



## AGENDA STATE BOARD OF EDUCATION

October 12, 2009

Arkansas Department of Education  
Auditorium, State Education Building  
9:00 AM

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### Reports

#### Report-1 **Chairman's Report**

*Presenter: Dr. Naccaman Williams*

#### Report-2 **Commissioner's Report**

*Presenter: Dr. Tom Kimbrell*

#### Report-3 **Report - NASBE Coordinated School Health Initiatives Grant**

*This report will provide Board members an update on participation through NASBE toward extended collaborative efforts between the Board and Coordinated School Health Initiatives in Arkansas.*

*Presenter: Dr. Dee Cox*

#### Report-4 **Status of the Designation of Facility Distress for the Hermitage School District**

*Ark. Code Ann. § 6-21-811, Academic Facilities Distress Program is a program designed to identify any school district that has engaged in actions or inactions that result in any act or violation determined by the Division to jeopardize any academic facility used by a public school district. With Commission confirmation, the Division will implement corrective measures requiring the school district to develop a plan to correct the deficiencies and other administrative measures to preclude any further instances that could jeopardize the facilities.*

*The Commission for Public School Academic Facilities and Transportation placed the Hermitage School District in Facility Distress in July 2008. On September 23, 2009 they released the school district from that designation based on certification by the Division that all stipulated requirements of the designation had been successfully completed by the Hermitage School District.*

*Presenter: Doug Eaton*

### Consent Agenda

#### C-1 **Minutes September 14, 2009**

*Presenter: Dr. Charles D. Watson*

#### C-2 **Newly Employed, Promotions and Separations**

*The applicant data from this information is used to compile the Applicant Flow Chart forms for the Affirmative Action Report, which demonstrates the composition of applicants through the selecting, hiring, promoting and terminating process.*

*Presenter: Ms. Beverly Williams Ms. Clemetta Hood*

- C-3** **Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan**
- By the Court Order of December 1, 1993, the Arkansas Department of Education (ADE) is required to file a monthly Project Management Tool (PMT) to the court and the parties to assure its commitment to the Desegregation Plan. This report describes the progress the ADE has made since March 15, 1994, in complying with the provisions of the Implementation Plan (Plan) and itemizes the ADE's progress against the timelines presented in the Plan. The October report summarizes the PMT for September.*
- Presenter:** Dr. Charity Smith Willie Morris
- C-4** **Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. § 6-17-309**
- Act 1623 of 2001 requires local school districts to secure a waiver when classrooms are staffed with unlicensed teachers for longer than 30 days. Waiver requests were received from 123 school districts covering a total of 500 teaching positions and 8 school districts requesting 13 waivers for long-term substitutes. None of these requests were from a district in academic distress. These requests have been reviewed, either approved or denied by Department Staff and are consistent with program guidelines.*
- Presenter:** Beverly Williams
- C-5** **Review of Loan and Bond Applications**
- Pursuant to Arkansas Code Annotated § 6-20-805 and § 6-20-1205, the State Board of Education must approve all Revolving Loan Fund and Commercial Bond applications, with the exception of non-voted refundings of commercial bond issues that meet the minimum savings as required by the Rules and Regulations Governing Loan and Bond Applications, Section 9.02. It is recommended that the State Board of Education review the following: Revolving Loan – 1 Bus Application – Recommend Approval; Commercial Bonds – 4 2nd Lien Bond Applications – Recommend Approval, 3 Voted Bond Application – Recommend Approval*
- Presenter:** Ms. Cindy Hedrick
- C-6** **Executive Summary - Progress Report on the Status of Districts Classified in Fiscal Distress for 2009-2010**
- For the 2009-2010 school year, twelve districts are classified by the State Board as being in fiscal Distress. Department staff conducts on-site visits; reviews district financial improvement plans and financial reports, and works with Fiscal Distress districts on issues specific to the individual districts. Currently the twelve districts in Fiscal Distress are Concord, Decatur, Gentry, Greenland, Hartford, Hermitage, Mammoth Spring, Mansfield, Mineral Springs, Murfreesboro, Osceola and Westside Consolidated.*
- A progress report for each district classified as being in Fiscal Distress is provided the State Board every six months.*
- Presenter:** Bill Goff
- C-7** **Consideration of Recommendation of the Professional Licensure Standards Board for One (1) Year Probation of Teaching License, Testing Procedure Training, and a \$75 Fine on Case T-09-028 - Paula Clements**
- The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending that Paula Clements be issued a one (1) year probation of her teaching license by the Board of Education, attend Testing Procedure Training and be fined \$75 for violation of the Code of Ethics for Arkansas Educators, Standard 2: An educator maintains competence regarding skills, knowledge, and dispositions relating to his/her organizational position, subject matter, and/or pedagogical practice and Standard 6: An educator keeps in confidence secure standardized test material as well as information about students and colleagues obtained in the course of professional service unless disclosure serves a professional purpose or is allowed or required by law.*
- Presenter:** Judy Kaye Mason
- C-8** **Consideration of Recommendation of the Professional Licensure Standards Board for a Written Warning by the State Board of Education on Case T09-035 – Betty Macon**
- The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending that Betty Macon be issued a Written Warning by the State Board of Education for violation of the Code of Ethics for Arkansas Educators, Standard 6: An educator keeps in confidence secure standardized test material as well as information about students and colleagues obtained in the course of professional service unless disclosure serves a professional purpose or is allowed or required by law.*

*Presenter: Judy Kaye Mason*

**C-9**

**Consideration of Recommendation of the Professional Licensure Standards Board for a Written Warning by the State Board of Education, Complete a Probation Period with Mentor and Complete Improvement Track Implemented by School District on Case 09-045.7 – Peter Maggio**

*The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending that Peter Maggio be issued a Written Warning by the State Board of Education as well as completing a probationary period with a mentor and completing an improvement track implemented by the School District for violation of the Code of Ethics for Arkansas Educators, Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.*

*Presenter: Judy Kaye Mason*

**C-10**

**Consideration of Recommendation of the Professional Licensure Standards Board for a Written Reprimand by the State Board of Education and a Fine of \$50 on Case 09-052 – Samantha Williams**

*The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending that Samantha Williams be issued a Written Warning by the State Board of Education and a \$50 fine for violation of the Code of Ethics for Arkansas Educators, Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom, Standard 2: An educator maintains competence regarding skills, knowledge, and dispositions relating to his/her organizational position, subject matter, and/or pedagogical practice.*

*Presenter: Judy Kaye Mason*

**C-11**

**Consideration of Recommendation of the Professional Licensure Standards Board for Probation of Teaching License for Three (3) Years by the State Board of Education and a Fine of \$75 on Case 09-060 – Tyler Heath Scott**

*The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending that Tyler Heath Scott receive Probation of Teaching License for three (3) years by the State Board of Education and a fine of \$75 for violation of the Code of Ethics for Arkansas Educators, Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.*

*Presenter: Judy Kaye Mason*

**C-12**

**Consideration of Recommendation of the Professional Licensure Standards Board for Probation of Teaching License for One (1) Year by the State Board of Education and a Fine of \$75 on Case 10-003 – Phillip “Trey” Harp**

*The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending that Phillip “Trey” Harp receive probation of his teaching license for one (1) year by the State Board of Education and assessed a fine of \$75 for violation of the Code of Ethics for Arkansas Educators, Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.*

*Presenter: Judy Kaye Mason*

**Action Agenda**

**A-1**

**Consider Removal of Concord School District from Fiscal Distress Classification**

*The Concord School District was classified in Fiscal Distress for 2008-2009 school year.*

*The Department has conducted site visits, off-site assistance, and analysis of the financial status of the Concord School District.*

*The Department is reporting that the Concord School District has currently corrected all criteria for being removed from Fiscal Distress.*

*Upon the Board's approval of the Department's recommendation and in compliance with A.C.A. § 6-20-1908 (c), the Department will certify in writing to the Concord School District that the school district has corrected all criteria for being classified as being in Fiscal Distress and has complied with all the department recommendations and requirements for removal from Fiscal*

*Distress. Subsequent to a district receiving this notice of compliance, the district may petition the State Board for removal from Fiscal Distress status.*

*Included in this item is a letter from the Concord School District petitioning the State Board for removal from Fiscal Distress status.*

**Presenter:** Bill Goff

**A-2**

## **Consider Removal of Gentry School District from Fiscal Distress Classification**

*The Gentry School District was classified in Fiscal Distress for 2008-2009 school year.*

*The Department has conducted site visits, off-site assistance, and analysis of the financial status of the Gentry School District.*

*The Department is reporting that the Gentry School District has currently corrected all criteria for being removed from Fiscal Distress.*

*Upon the Board's approval of the Department's recommendation and in compliance with A.C.A. § 6-20-1908 (c), the Department will certify in writing to the Gentry School District that the school district has corrected all criteria for being classified as being in Fiscal Distress and has complied with all the department recommendations and requirements for removal from Fiscal Distress. Subsequent to a district receiving this notice of compliance, the district may petition the State Board for removal from Fiscal Distress status.*

*Included in this item is a letter from the Gentry School District petitioning the State Board for removal from Fiscal Distress status.*

**Presenter:** Bill Goff

**A-3**

## **Consider Removal of Hartford School District from Fiscal Distress Classification**

*The Hartford School District was classified in Fiscal Distress for 2008-2009 school year.*

*The Department has conducted site visits, off-site assistance, and analysis of the financial status of the Hartford School District.*

*The Department is reporting that the Hartford School District has currently corrected all criteria for being removed from Fiscal Distress.*

*Upon the Board's approval of the Department's recommendation and in compliance with A.C.A. § 6-20-1908 (c), the Department will certify in writing to the Hartford School District that the school district has corrected all criteria for being classified as being in Fiscal Distress and has complied with all the department recommendations and requirements for removal from Fiscal Distress. Subsequent to a district receiving this notice of compliance, the district may petition the State Board for removal from Fiscal Distress status.*

*Included in this item is a letter from the Hartford School District petitioning the State Board for removal from Fiscal Distress status.*

**Presenter:** Bill Goff

**A-4**

## **Consider Removal of Hermitage School District from Fiscal Distress Classification**

*The Hermitage School District was classified in Fiscal Distress for 2008-2009 school year.*

*The Department has conducted site visits, off-site assistance, and analysis of the financial status of the Hartford School District.*

*The Department is reporting that the Hermitage School District has currently corrected all criteria for being removed from Fiscal Distress.*

*Upon the Board's approval of the Department's recommendation and in compliance with A.C.A. § 6-20-1908 (c), the Department will certify in writing to the Hermitage School District that the school district has corrected all criteria for being classified as being in Fiscal Distress and has complied with all the department recommendations and requirements for removal from Fiscal Distress. Subsequent to a district receiving this notice of compliance, the district may petition the State Board for removal from*

*Fiscal Distress status.*

*Included in this item is a letter from the Hermitage School District petitioning the State Board for removal from Fiscal Distress status.*

**Presenter:** Bill Goff

**A-5**

### **Consider Removal of Mammoth Spring School District from Fiscal Distress Classification**

*The Mammoth Spring School District was classified in Fiscal Distress for 2009-2010 school year.*

*The Department has conducted site visits, off-site assistance, and analysis of the financial status of the Mammoth Spring School District.*

*The Department is reporting that the Mammoth Spring School District has currently corrected all criteria for being removed from Fiscal Distress.*

*Upon the Board's approval of the Department's recommendation and in compliance with A.C.A. § 6-20-1908 (c), the Department will certify in writing to the Mammoth Spring School District that the school district has corrected all criteria for being classified as being in Fiscal Distress and has complied with all the department recommendations and requirements for removal from Fiscal Distress. Subsequent to a district receiving this notice of compliance, the district may petition the State Board for removal from Fiscal Distress status.*

*Included in this item is a letter from the Mammoth Spring School District petitioning the State Board for removal from Fiscal Distress status.*

**Presenter:** Bill Goff

**A-6**

### **Consider Removal of Mineral Springs School District from Fiscal Distress Classification**

*The Mineral Springs School District was classified in Fiscal Distress for 2008-2009 school year.*

*The Department has conducted site visits, off-site assistance, and analysis of the financial status of the Mineral Springs School District.*

*The Department is reporting that the Mineral Springs School District has currently corrected all criteria for being removed from Fiscal Distress.*

*Upon the Board's approval of the Department's recommendation and in compliance with A.C.A. § 6-20-1908 (c), the Department will certify in writing to the Mineral Springs School District that the school district has corrected all criteria for being classified as being in Fiscal Distress and has complied with all the department recommendations and requirements for removal from Fiscal Distress. Subsequent to a district receiving this notice of compliance, the district may petition the State Board for removal from Fiscal Distress status.*

*Included in this item is a letter from the Mineral Springs School District petitioning the State Board for removal from Fiscal Distress status.*

**Presenter:** Bill Goff

**A-7**

### **Consider Removal of Murfreesboro School District from Fiscal Distress Classification**

*The Murfreesboro School District was classified in Fiscal Distress for 2008-2009 school year.*

*The Department has conducted site visits, off-site assistance, and analysis of the financial status of the Murfreesboro School District.*

*The Department is reporting that the Murfreesboro School District has currently corrected all criteria for being removed from Fiscal Distress.*

*Upon the Board's approval of the Department's recommendation and in compliance with A.C.A. § 6-20-1908 (c), the Department will certify in writing to the Murfreesboro School District that the school district has corrected all criteria for being classified as being in Fiscal Distress and has complied with all the department recommendations and requirements for removal from Fiscal Distress. Subsequent to a district receiving this notice of compliance, the district may petition the State Board for removal from Fiscal Distress status.*

*Included in this item is a letter from the Murfreesboro School District petitioning the State Board for removal from Fiscal Distress status.*

**Presenter:** Bill Goff

**A-8**

### **Consider Removal of Westside Consolidated School District from Fiscal Distress Classification**

*The Westside Consolidated School District was classified in Fiscal Distress for 2008-2009 school year.*

*The Department has conducted site visits, off-site assistance, and analysis of the financial status of the Westside Consolidated School District.*

*The Department is reporting that the Westside Consolidated School District has currently corrected all criteria for being removed from Fiscal Distress.*

*Upon the Board's approval of the Department's recommendation and in compliance with A.C.A. § 6-20-1908 (c), the Department will certify in writing to the Westside Consolidated School District that the school district has corrected all criteria for being classified as being in Fiscal Distress and has complied with all the department recommendations and requirements for removal from Fiscal Distress. Subsequent to a district receiving this notice of compliance, the district may petition the State Board for removal from Fiscal Distress status.*

*Included in this item is a letter from the Westside Consolidated School District petitioning the State Board for removal from Fiscal Distress status.*

**Presenter:** Bill Goff

**A-9**

### **Consideration of Final Approval: Arkansas Department of Education Rules Governing the Regulatory Basis of Accounting.**

*A public hearing was held on Friday, August 21, 2009, in the Arkansas Department of Education (ADE) Auditorium. Attending the meeting were representatives from the ADE, Arkansas Public School Resource Center, and the Arkansas Association for Educational Administrators.*

#### **Public Comment on Proposed Rules Governing Regulatory Basis of Accounting:**

Section 4.05 - Shouldn't this be more a definition than a working method?

*This really does describe a working method more than a definition. This addresses how and when revenues and expenditures are to be reported and goes beyond definitions of specific terms. Definitions added for: accrue, assets, deferred revenue, expenditures, liabilities, revenues, and uniform rate of tax.*

**Presenter:** Bill Goff

**A-10**

### **Consideration of Final Approval: Revised Rules Governing the Calculation Methods for Declining Enrollment and Student Growth Funding for Public School Districts**

*A public hearing was held on Thursday, September 17, 2009, in the Arkansas Department of Education (ADE) Auditorium. Attending the meeting were representatives from the ADE and Matthew Miller of the Bureau of Legislative Research.*

**Public Comment on Proposed Rules Governing the Calculation Methods for Declining Enrollment and Student Growth Funding for**



Public School Districts:

Matthew Miller of the Bureau of Legislative Research, Administrative Rules Review Unit, provided the following verbal comments:

- 3.00 Recommend adding "fiscal" to each mention of "prior year" to avoid confusion between calendar and fiscal years.
- 3.06 Special needs isolated funding was changed to isolated special needs funding. Why was this changed?
- 4.03 Where is the code cite for the prohibition against receiving both declining enrollment and isolated special needs funding? Is it in AR Code Ann. § 6-20-604?
- 5.01.1 Is the calculation method different in the language of the rule revisions as compared to the language that was removed? Does the new language in 5.01.1.1 – 5.01.1.4 restate the deleted language in 6.01.2 – 6.01.4?
- 5.02 and 5.04 The distribution schedule for student growth funding in the law requires no less than 60% of the estimated amount will be distributed to eligible school districts by January 31 and by April 30 of each year the ADE shall distribute to eligible school districts 40% of the amount calculated above. The 40% is a firm percentage in law. The rule states that 40%, or the remaining balance if less than 40%, will be distributed.

Mr. Floyd Marshall, Superintendent of Carlisle School District, sent the following email comment:

I would like to submit a couple of written comments concerning the proposed rules on the calculation methods for declining enrollment and student growth funding for public school districts. One being the fact that declining enrollment is based on the previous year enrollment being subtracted from an average of the two previous years enrollment while the growth funding is based on figures from the current year quarterly ADM and the previous year corresponding quarter ADM. I realize this is how the State Statute is written, but my understanding is the State Department helped draft the legislation which would indicate the "powers to be" were supportive of the inequality of the funding calculations. My second concern is something that the State Department can address. School districts receiving declining enrollment funds must submit in Cycle 9 information as to how the funds were expended, the amount expended and any other information required by the ADE. It would only seem appropriate that school districts receiving growth funding should submit the same information that is required of school districts receiving declining enrollment funds. It is my understanding that the growth funding is based on the ADM of each quarter for all four quarters. If this is correct is there any other funding based on all four quarters as opposed to the third quarter average. If not why would growth funding be singled out to be calculated on a different basis than all the other school funding. Again, I realize this is what the Legislature passed, but I also understand the State Department was supportive of this legislation. Realizing the State Department must abide by the State Statutes, I would hope the rules adopted would make everyone jump through the same hoops, so to speak, in order to receive their money.

**Presenter:** Bill Goff

**A-11**

### **Consideration of Public Comment: Revision to Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of Those Funds**

The Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of Those Funds was last revised in September 2007. The current proposed revisions to these rules reflect changes made pursuant to Act 1469 of 2009 as well as other changes.

**Presenter:** Bill Goff

**A-12**

### **Consideration of Final Approval: Proposed Revisions of Rules Identifying and Governing the Arkansas Fiscal Assessment and Accountability Program**

A public hearing was held on Friday, August 21, 2009, in the Arkansas Department of Education (ADE) Auditorium. Attending the meeting were representatives from the ADE, Arkansas Public School Resource Center, and the Arkansas Association for Educational Administrators.

**Public Comment on Rules Identifying and Governing Arkansas Fiscal Assessment and Accountability Program:**

Section 3.19 - Clarify whether only state or federal funds can be used.

Modified definitions as follows: "Funds accruing to the teacher salary, operating and debt service funds that can be used only for specific purposes as stated in law or in accordance with a grant award (such as NSLA, ALE, ELL, Professional Development).

Section 4.01.4 - Define exactly what a "capital outlay expenditure" is and what it is not.

Added definition for capital outlay expenditure.

Section 6.01.1 - Cooperative needs to be included, such as "...notice to school districts or cooperatives..."

Section 6.01.2 - Cooperative needs to be added "...identify a school district or cooperative as being in fiscal distress..."

The March 30<sup>th</sup> date does not apply to cooperatives. Therefore we've included 6.01.3 to address cooperatives.

Section 12.01 and 12.03.1.1 – Define the nonmaterial levels/indicators.

Added a definition of "non-material failure, violation, default, or discrepancies" following the definition of "material failure, violation, etc." That definition, plus what is said in 12.01 and 12.02 should suffice.

**Presenter:** Bill Goff

**A-13**

### **Consideration of Final Approval: Proposed Revisions to the Arkansas Department of Education Rules Governing Reimbursement by School Districts for Election Expenses.**

A public hearing was held on Friday, August 21, 2009, in the Arkansas Department of Education (ADE) Auditorium. Attending the meeting were representatives from the Arkansas Public School Resource Center and the Arkansas Association for Education Administrators. There were no verbal comments during the hearing and no written comments were submitted on the revisions to this rule.

**Presenter:** Bill Goff

**A-14**

### **Consideration of Final Approval: Rules Governing the Calculation of Arkansas Smart Core Incentive Funding**

A public hearing was held on Thursday, September 17, 2009, in the Arkansas Department of Education (ADE) Auditorium. Attending the meeting were representatives from ADE. There There were no verbal comments during the hearing and no written comments were submitted on the revisions to this rule.

**Presenter:** Bill Goff

**A-15**

### **Consideration for Final Approval: Arkansas Department of Education Proposed Rules Governing Public School End-of-Course Assessments and Remediation**

Act 1307 of 2009 substantially amended the requirements for End-of-Course assessments, including the creation of two types of assessments: "general" and "high-stakes". At its July 13, 2009 meeting, the State Board authorized the Department to release these Proposed End-of-Course Rules for public comment. The public comment period ran through September 3, 2009. On August 5, 2009, a public hearing was held at the Department, which was attended by four (4) people. Two (2) people submitted oral comments at the hearing. Three (3) additional written comments were received. The Department has incorporated several of the comments into the Proposed Rules; none of the changes create a substantive change in the Rules. The Department requests that the Proposed Rules be given final approval by the State Board.

**Presenter:** Tripp Walter

**A-16**

### **Consideration for Final Approval: Revised Rules Governing the Waiver of Earnings Limitation under Arkansas Teacher Retirement System**

Act 743 of 2009 revised the process of obtaining a waiver of earnings limitation under the Arkansas Teacher Retirement System and



due to Act 743 the Rules Governing the Waiver of Earnings Limitation Under the Arkansas Teacher Retirement System is being repealed in its entirety. A public hearing was held in the Auditorium of the Arkansas Department of Education on August 20, 2009. No one attended the hearing and there were no comments submitted regarding this rule

**Presenter:** Beverly Williams

**A-17**

### **Consideration for Final Approval: Rules Governing Incentives for Teacher Recruitment and Retention in High Priority Districts with an Average Daily Membership of 1,000 or Fewer.**

*The Rules Governing Incentives for Teacher Recruitment and Retention in High Priority Districts with an Average Daily Membership of 1,000 or Fewer were approved for public comment June 8, 2009. A public hearing was held in the Auditorium of the Arkansas Department of Education on July 9, 2009. No one outside the Department attended the hearing. Comments received were taken into consideration when revising these rules.*

**Presenter:** Beverly Williams

**A-18**

### **Consideration for Final Approval: Proposed Rules Governing Arkansas Public Charter Schools and Rules Governing Limited Public Charter Schools**

*On July 13, 2009 the State Board of Education approved for public comment Proposed Rules Governing Public Charter Schools. The public hearing for the Public Charter Schools Rules and Limited Public Charter School Rules was held on August 21, 2009. Approximately ten people, four of which were Charter School Staffers, were in attendance. At the meeting two attendees spoke, one in reference to the only written comments that had been submitted, and the other in reference to additional suggestions. A total of approximately 15 comments were made both in written and oral form, many of which were minor. Of the received comments, approximately ten were incorporated in some form into the changes reflected in the final proposed rules.*

*The Department is requesting final approval from the State Board on the Rules Governing Public Charter Schools and Rules Governing Limited Public Charter Schools.*

**Presenter:** Dr. Mary Ann D. Brown

Minutes  
State Board of Education  
Monday, September 14, 2009

The State Board of Education met on Monday, September 14, 2009, in the Auditorium of the State Education Building. Dr. Naccaman Williams called the meeting to order at 9:00 a.m.

The following Board members were present: Dr. Naccaman Williams, Chairman; Jim Cooper, Vice-Chair; Sherry Burrow; Brenda Gullett; Sam Ledbetter; Alice Mahony; Dr. Ben Mays; and Toyce Newton.

No Board members were absent. There is one vacancy on the Board.

Dr. Williams officially welcomed Ms. Toyce Newton as a member of the Board.

Mr. Cooper moved that the Board go into executive session to consider personnel matters related to the employment of the Commissioner for the Department of Education. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Following the executive session, the Board reconvened and Chairman Williams called the meeting back into session.

Mr. Cooper moved that Dr. Tom Kimbrell be employed as Commissioner of Education, his tenure would begin on Monday, September 28, 2009, and his annual salary would be set at \$220,000. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Dr. Williams declared that the Board would recess and everyone in attendance was invited to the Governor's Conference Room in the State Capitol to share in the confirmation of Dr. Kimbrell as Commissioner of Education by Governor Beebe.

The Agenda meeting reconvened at 10:30 a.m.

Ms. Mahony reported that she would be participating in a conference hosted by the U.S. Army to be held at Fort Campbell. There was no further reporting from Board members or from the Interim Commissioner, Dr. Diana Julian.

**Consent Agenda**

Ms. Mahony asked for discussion regarding the Home School Report, Item #C6 on the Consent Agenda. She asked if data were available to show how many of last year's graduates attended an institution of higher education. Dr. Mary Ann Brown responded that currently those data are not collected. In response to another question regarding high school performance, Dr. Brown also stated that high school students who are home schooled after Grade 9 are not required to take statewide tests: ACT scores if they are taken are not part of the data collected by the state. Mr. Cooper asked if a way existed to begin tracking senior high students. Dr. Brown stated that the ADE would look into the possibility of collecting such data. Ms. Gullett suggested that the Home School Report should be an Action Item for future years. She stated that the Board should be more interested in accountability for home school

students and their academic performance. Dr. Mays asked about the number of students who do not have the required test data. Dr. Brown stated that that number was approximately 15% of the entire population. She observed that there were many reasons – some linked to test administration and a lack of make-up testing. Dr. Brown noted that she would contact the person who coordinates home school testing and note the Board's concern.

Ms. Burrow moved approval of the Consent Agenda as presented. Mr. Cooper seconded the motion. The motion was adopted unanimously.

- Minutes – August 10, 2009
- Newly Employed, Promotions and Separations
- Report on Waivers to School Districts for Teachers Teaching Out-of-Area for Longer than Thirty (30) Days`111111111111111, Ark. Code Ann. §6-17-309
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Consideration of the State Instructional Materials Adoption List and Authorization for Contracts for K-12 Special Education; K-12 Art; K-12 Music; 9-12 Agriculture; 9-12 Career and Technical Education; and 9-12 Family and Consumer Science
- 2008-2009 Home School Report
- Request for Approval of Stipulated Agreement – Linda Buddenmeyer
- Consideration of Recommendation of the Professional Licensure Standards Board for One (1) Year Probation of Teaching License, Anger Management Classes/Counseling and Report to State Board of Education on a Quarterly Basis, and a Fine of \$75 on Case 09-050 – Ricky Don Martin
- Consideration of Recommendation of the Professional Licensure Standards Board for Three (3) Years Probation of Teaching License; Follow up on Test Training Procedures; and Fine of \$75 on Case 09-056 – Judith Miller
- Consideration of Recommendation of the Professional Licensure Standards Board for One (1) Year Probation of Teaching License, Anger Management Classes/Counseling, Report to State Board of Education on a Quarterly Basis and Fine of \$75 on Case 09-061 – Tina Blanks
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Warning on Case 09-062 – Melvin Bowles
- Consideration of Recommendation of the Professional Licensure Standards Board for One (1) Year Probation of Teaching License and a Fine of \$50 on Case 09-069 – Corina Bunker
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Reprimand and a Fine of \$50 for Case 09-074 Debra Ewing
- Consideration of Recommendation of the Professional Licensure Standards Board for Written Warning and Follow-Up Test Training Procedures for Cast T09-004 Jennifer Colvin
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Warning and Follow-Up Test Training Procedures for Case T09-020 Hank Needham
- Consideration of Recommendation of the Professional Licensure Standards Board for Written Warning for Case T09-026 Cheryl Green
- Consideration of Recommendation of the Professional Licensure Standards Board for Written Warning for Case T09-029 – Terri Roberts
- Consideration of Recommendation of the Professional Licensure Standards Board for Follow-Up Training Procedures on Case T09-036 A – Karen Cox

- Consideration of Recommendation of the Professional Licensure Standards Board for Written Warning and Follow-up Test Training Procedures on Case T09-045 – Elizabeth Foster

Dr. Williams announced the removal of the following items from consideration on the Action Agenda:

- A-1: Hearing on Appeal from Recommendation of the Professional Licensure Standards Board for Written Warning in Case 09-019A – Jack Crumbly
- A-2: Consideration for Amendment to Charter of Covenant Keepers College Preparatory Charter School, Little Rock, AR
- A-6: Consideration for Final Approval: Proposed Revisions to the Arkansas Department of Education Rules Governing Reimbursement by School Districts for Election Expenses
- A-7: Consideration of Final Approval: Arkansas Department of Education Rules Governing the Regulatory Basis of Accounting
- A-8: Consideration of Final Approval: Proposed Revisions of Rules Identifying and Governing the Arkansas Fiscal Assessment and Accountability Program
- A-11: Consideration of Final Approval: Revised Rules Governing the Waiver of Earning Limitation Under the Arkansas Teacher Retirement System
- A-18: Consideration for Final Approval: Rules Governing Incentives for Teacher Recruitment and Retention in High Priority Districts with an Average Daily Membership of 1000, or Fewer

#### **Arkansas Better Chance Funding Recommendations**

Jamie Morrison was recognized to present this item. Ms. Morrison stated that the proposed grants were reviewed by staff and recommended for funding. Mr. Cooper moved approval as presented. Ms. Gullett seconded the motion. The Motion was adopted unanimously.

Grants totaling \$312,670 were approved.

#### **Request for Approval of the 2009 Arkansas English Language Proficiency Curriculum Framework Science and Social Studies Connections**

Dr. Gayle Potter was recognized to present this item. Dr. Potter summarized the process by which these recommendations were framed. Ms. Gullett asked if these frameworks were developed in response to No Child Left Behind. Dr. Potter responded yes. Ms. Gullett inquired if there was flexibility in the development or implementation. Dr. Potter responded that such policies are required and the policy must focus on accountability measures.

Ms. Mahony moved adoption as presented. Mr. Cooper seconded the motion. The motion was adopted unanimously.

#### **Consideration to Extend Public Comment Period: Proposed Revision to the Rules Governing the Calculation of Miscellaneous Funds**

Bill Goff was recognized to present this item. Mr. Goff stated that public comment provided considerable input into the revision of the Rule and staff recommends that further comment is warranted based on the extent of revisions.

Ms. Gullett moved approval of the request for extended comment period. Dr. Mays seconded the motion. The motion was adopted unanimously.

#### **Consideration for Final Approval: Revision of Rules for Gifted and Talented Program Approval Standards**

Amanda Peebles was recognized to present this item. Ms. Peebles summarized the changes that were made and noted that this was the first update for the Gifted and Talented Program Standards in many years.

Mr. Cooper moved approval as presented. Ms. Burrow seconded the motion. The motion was adopted unanimously.

#### **Consideration of Proposal for New School Leader Licensure Assessment (SLLA) Test**

Beverly Williams was recognized to present this item. Ms. Williams reported that this proposed assessment is to replace the exam currently used in the licensure process for administrators. Dr. Williams asked if it was like a Praxis Exam. Ms. Williams noted that the exam is a Praxis exam and it has all the features of other Praxis exams, it is just not called that.

Dr. Mays moved approval. Ms. Newton seconded the motion. The motion was adopted unanimously.

#### **Consideration for Final Approval: Rules Governing Addition of Areas of Licensure or Endorsement**

Beverly Williams was recognized to present this item. Ms. Williams made comments about proposed revisions. Dr. Williams stated his concern about the issue of two years teaching experience prior to being licensed as a counselor or school librarian. Ms. Williams emphasized that the Professional Licensure Board voted unanimously to keep the teaching requirement. Dr. Mays noted that the two years classroom experience is a negative incentive for a person who intends to work in schools as a librarian or media specialists. He voiced the opinion that the requirement for two years in the classroom could be a negative incentive for someone not interested in teaching, but interested in library work. Ms. Williams responded that licensure as a librarian or media specialist is based on a Master's Degree program and that the colleges and universities do not offer those programs as undergraduate majors. Ms. Gullett asked about the origin of the proposed Rules. Ms. Williams responded that these policies have been in place for many years and these are revisions necessary because of changes in legislation from the last session.

Ms. Burrow stated that as a former classroom teacher she believed classroom experience was important for a counselor or librarian. She felt that without classroom experience, those individuals would not be as effective in supporting classroom instruction. Ms. Gullett asked if ADE/Board ever worked with higher education in framing of these rules. Ms. Williams responded that the Professional Licensure Board has representatives from higher education and that ADE staff work with higher education as much as possible is making policy align with degree programs at the universities.

Ms. Cooper observed that since there are only Master's level programs at universities, if the rule were to change to allow undergraduate majors, would universities move to provide such courses of study. Ms. Williams stated that there are only three programs in library science currently operational in the state. All are Master's Degree programs. She was unsure if any university would change the program to undergraduate.

Ms. Newton moved adoption of the revised Rule. Mr. Ledbetter seconded the motion. The motion was adopted 6 yes, 1 no. (Mays voted no.)

#### **Consideration for Final Approval: Rules Governing Initial and Standard Administrator Licensure**

Beverly Williams was recognized to present this item. Ms. Williams stated that the purpose of the revision was to accommodate legislation regarding background checks prior to licensure. Ms. Gullett asked about the interpretation of the Rule that precludes individuals teaching at institutions such as the State Prison, which is a school district, using that experience toward the qualifications for full licensure. Ms. Gullett noted that Mr. Dub Byers, superintendent of the Department of Corrections School District, was in attendance and asked for him to comment on this issue. Mr. Byers observed that newly licensed teachers employed by the prison system could not count that experience toward a full license. Thus they must teach somewhere else before coming to that system or risk not becoming fully licensed. Beverly Williams affirmed that the statements were correct as the rule is currently written and interpreted by ADE.

Ms. Gullett moved that further consideration of this Rule be tabled until ADE could assess the impact of this Rule on teachers and administrators at the Department of Corrections. Mr. Ledbetter seconded the motion. The motion was adopted unanimously. Ms. Gullett requested to be notified when the meeting would be set, she would like to attend.

#### **Consideration for Final Approval: Rules Governing Highly Qualified Teachers Pursuant to the No Child Left Behind Act of 2001**

Beverly Williams was recognized to present this item. Ms. Williams stated that revisions to this Rule were necessary because of findings from a monitoring visit by the U.S. Department of Education. She noted that the review found that the "House" option for demonstrating highly qualified status lacked sufficient rigor in determining proficiency in the areas of teaching at the high school level. She stated that the expectation of the federal review was for a more restrictive interpretation of the guidelines than had previously been made by the Arkansas plan. Dr. Julian observed that the proposed revisions were the least restrictive as would be considered by the federal review to be approved. Ms. Gullett asked about the potential impact of imposing the new Rule in assessing highly qualified status of current teachers. Ms. Williams suggested that as many as 550 middle and high school teachers may be impacted by the new assessment: most of those would be individuals teaching in the areas of special education and English as a second language. She noted that these teachers generally do not have the content expectation for highly qualified designation at the secondary level.

Mr. Cooper moved approval as presented. Ms. Burrow seconded the motion. The motion was adopted unanimously.



### **Consideration for Final Approval: Rules Governing Initial, Standard/Professional and Provisional Teacher License**

Beverly Williams was recognized to present this item. Ms. Williams stated that the revisions to this Rule were the result of the same legislation that was cited earlier regarding background checks. Ms. Gullett noted that this Rule has some of the same concerns as discussed previously regarding teachers employed by the Department of Corrections. Questions about the overall age, the program of study taken and other issues all related to students receiving credit at the Department of Corrections. Chairman Williams noted the many issues of working with the Department of Corrections and indicated that oversight was needed, but asked if the Rule might be approved and then work through those issues.

Mr. Cooper moved to table action on this Rule and consider issues noted from the previous discussion impacting the Department of Corrections. Ms. Gullett seconded the motion. The motion to table was approved unanimously.

### **Consideration for Final Approval: Rules Governing the Lifetime Teaching License**

Beverly Williams was recognized to present this item. Ms. Williams stated that there were no controversial issues raised during the hearings on this rule. Mr. Cooper moved adoption as presented. Mr. Ledbetter seconded the motion. The motion was adopted unanimously.

### **Consideration of Final Approval: Rules Governing Teacher Licensure by Reciprocity**

Beverly Williams was recognized to present this item. Ms. Williams stated that there were no controversial issues raised during the hearings on this rule. Mr. Ledbetter moved adoption as presented. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Chairman Williams thanked Dr. Diana Julian for the excellent job she did in the position Interim Commissioner these past months.

Dr. Mays requested that staff work with Dr. Kimbrell to set up a training session to be conducted by NASBE to focus on powers and duties of the Board and its role in implementing policy. Dr. Mays also suggested that each Board member should be provided a copy of the new compilation of State Education Law. Tripp Walter noted that the new copies will be provided once they become available.

Dr. Williams also asked that Dee Cox or a representative provide an update on the Collaborative School Health Grant to be received from NASBE.

The Chair declared the meeting adjourned. The meeting adjourned at 11:45 a.m.

These Minutes were recorded and reported by Dr. Charles D. Watson

**NEWLY EMPLOYED FOR THE PERIOD OF September 1, 2009 – September 30, 2009**

Jodie Fairchild – Administrative Specialist II, Grade C109, Statewide System of Support/Special Programs, Public Charter/Home Schools, effective 09/14/09.

Alisha Howard – Student Applications Specialist, Grade C116, Arkansas Public School Computer Network (APSCN), effective 09/14/09.

\*Hallie Hughes – Administrative Specialist II, Grade C109, Division of Communications, effective 09/08/09.

Thomas Kimbrell – Commissioner of Education, Grade U033U, Central Administration, effective 09/28/09.

Rebecca Naylor – Public School Program Advisor, Grade C122, Statewide System of Support/Special Programs/Professional Development/ K-12 Literacy, effective 09/08/09.

\*Deangela Staples – Administrative Specialist II, Grade C109, Division of Human Resources/Licensure, Teacher Quality, effective 09/21/09.

**PROMOTIONS/ LATERAL TRANSFERS FOR THE PERIOD OF September 1, 2009 – September 30, 2009**

Diana Julian – from Interim Commissioner of Education, Grade U033U, Central Administration, to Deputy Commissioner of Education, Grade U027U, Central Administration, effective 09/27/09.

**SEPARATIONS FOR THE PERIOD OF September 1, 2009 – September 30, 2009**

Heather Speyer- Rainbolt – Administrative Specialist III, Grade C112, Division of Academic Accountability, effective 09/04/09. 1 year, 1 month, 13 days. Code: 01

\*Minority

**AASIS Code:**

01 – Voluntary Termination

**ADE'S PROJECT MANAGEMENT TOOL EXECUTIVE SUMMARY  
SEPTEMBER 30, 2009**

This document summarizes the progress that ADE has made in complying with the provisions of the Implementation Plan during the month of September 2009.

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF SEPTEMBER 30, 2009
<b><i>I. Financial Obligation</i></b>	<p>As of August 31, 2009, State Foundation Funding payments paid for FY 09/10 totaled \$5,076,151 to LRSD, \$3,082,849 to NLRSD, and \$3,906,259 to PCSSD. The Magnet Operational Charge paid as of August 31, 2009, was \$1,331,933. The allotment for FY 09/10 was \$14,651,264. M-to-M incentive distributions for FY 08/09 as of June 30, 2009, were \$4,429,907 to LRSD, \$6,718,858 to NLRSD, and \$10,614,093 to PCSSD. In March 2009, General Finance made the second one-third payment to the Districts for their FY 08/09 transportation budget. In September 2009, General Finance made the last one-third payment to the Districts for their FY 08/09 transportation budget. As of September 30, 2009, transportation payments for FY 08/09 totaled \$4,236,159.97 to LRSD, \$1,300,628.11 to NLRSD, and \$3,482,736.87 to PCSSD. In September 2009, General Finance made the first one-third payment to the Districts for their FY 09/10 transportation budget. As of September 30, 2009, transportation payments for FY 09/10 totaled \$1,389,350 to LRSD, \$443,807.63 to NLRSD, and \$1,114,952.61 to PCSSD. In March 2009, a bid for 16 new Magnet and M-to-M buses was awarded to Central States Bus Sales. The buses for the LRSD include 8 - 65 passenger buses for \$65,599 each. The buses for the NLRSD include 2 - 65 passenger buses for \$65,599 each. The buses for the PCSSD include 6 - 65 passenger buses for \$65,599 each. In August 2009, 16 new Magnet and M-to-M buses were delivered to the districts in Pulaski County. Finance paid Central States Bus Sales \$1,049,584. In July 2009, Finance paid the Magnet Review Committee \$92,500. This was the total amount due for FY 09/10. In July 2009, Finance paid the Office of Desegregation Monitoring \$200,000. This was the total amount due for FY 09/10.</p>

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF SEPTEMBER 30, 2009
<b><i>II. Monitoring Compensatory Education</i></b>	On July 9, 2009, the ADE Implementation Phase Working Group met to review the Implementation Phase activities for the previous quarter. Mr. Willie Morris, ADE Lead Planner for Desegregation, updated the group on all relevant desegregation issues. Recent news articles about the desegregation case were discussed. One article stated that on May 19, Arkansas Attorney General Dustin McDaniel and Arkansas Assistant Attorney General Scott Richardson filed a motion asking U.S. District Judge Brian Miller to schedule court hearings on the requests for unitary status by the North Little Rock and Pulaski County Special school districts. The next Implementation Phase Working Group Meeting is scheduled for October 8, 2009 at 1:30 p.m. in room 201-A at the ADE.
<b><i>III. A Petition for Election for LRSD will be Supported Should a Millage be Required</i></b>	Ongoing. All court pleadings are monitored monthly.
<b><i>IV. Repeal Statutes and Regulations that Impede Desegregation</i></b>	In July 2007, the ADE sent letters to the school districts in Pulaski County asking if there were any new laws or regulations that may impede desegregation. The districts were asked to review laws passed during the 86 <sup>th</sup> Legislative Session, and any new ADE rules or regulations.
<b><i>V. Commitment to Principles</i></b>	On September 14, 2009, the Arkansas State Board of Education reviewed and approved the PMT and its executive summary for the month of August.
<b><i>VI. Remediation</i></b>	<p>The AAEEA Conference on Parental Involvement for ELL/Latino students took place on August 3, 2009, at the Little Rock State House Convention Center.</p> <p>On September 4, 2009, from 1:30 p.m. to 3:30 p.m., the Arkansas Department of Education provided videoconference training for implementation of the alternate portfolio assessment for 2009-2010. This was for special education supervisors, district test coordinators, and/or teachers of students with disabilities. Staff members from the LRSD, the NLRSD and the PCSSD attended.</p>
<b><i>VII. Test Validation</i></b>	On February 12, 2001, the ADE Director provided the State Board of Education with a special update on desegregation activities.

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF SEPTEMBER 30, 2009																																																																																																																																																																	
<i>VIII. In-Service Training</i>	Tri-District Staff Development meetings were held on May 12 for the NLRSD, May 19 for the PCSSD and May 21, 2009 for the LRSD. The meetings took place at the Arch Ford Education Building. Staff from PCSSD, NLRSD, LRSD and the ADE attended. One goal for the meetings was to determine which administrators should be contacted for specific professional development purposes, and the preferred protocols for communication. There was discussion about how Tri-District specialists can support a district-led design that builds capacity and a systems approach for professional learning. The ADE asked staff from each school district to suggest ways the ADE could support district and school goals.																																																																																																																																																																	
<i>IX. Recruitment of Minority Teachers</i>	In July 2009, ADE Professional Licensure mailed a list of Spring 2009 minority teacher graduates from Arkansas colleges and universities to the three Pulaski County school districts.																																																																																																																																																																	
<i>X. Financial Assistance to Minority Teacher Candidates</i>	<p>Tara Smith of the Arkansas Department of Higher Education reported minority scholarships for Fiscal Year 2008-2009 on February 26, 2009. These included the State Teacher Assistance Resource (STAR) Program, the Minority Teacher Scholars (MTS) Program, and the Minority Masters Fellows (MMF) Program. The scholarship awards for STAR are as follows:</p> <table><tr><td>STAR</td><td>Male</td><td>Male</td><td>Female</td><td>Female</td><td>Total</td><td>Total</td></tr><tr><td>Race</td><td>Count</td><td>Award</td><td>Count</td><td>Award</td><td>Count</td><td>Award</td></tr><tr><td>White</td><td>47</td><td>171,000</td><td>258</td><td>1,018,627</td><td>305</td><td>1,189,627</td></tr><tr><td>Black</td><td>3</td><td>6,000</td><td>28</td><td>121,500</td><td>31</td><td>127,500</td></tr><tr><td>Hispanic</td><td></td><td></td><td>2</td><td>12,000</td><td>2</td><td>12,000</td></tr><tr><td>Asian</td><td>1</td><td>6,000</td><td>2</td><td>9,000</td><td>3</td><td>15,000</td></tr><tr><td>Other</td><td>2</td><td>6,000</td><td>4</td><td>15,000</td><td>6</td><td>21,000</td></tr><tr><td><b>Totals</b></td><td><b>53</b></td><td><b>189,000</b></td><td><b>294</b></td><td><b>1,176,127</b></td><td><b>347</b></td><td><b>1,365,127</b></td></tr></table> <p>The scholarship awards for MTS are as follows:</p> <table><tr><td>MTS</td><td>Male</td><td>Male</td><td>Female</td><td>Female</td><td>Total</td><td>Total</td></tr><tr><td>Race</td><td>Count</td><td>Award</td><td>Count</td><td>Award</td><td>Count</td><td>Award</td></tr><tr><td>Black</td><td>9</td><td>27,500</td><td>37</td><td>132,710</td><td>46</td><td>160,210</td></tr><tr><td>Hispanic</td><td></td><td></td><td>10</td><td>27,500</td><td>10</td><td>27,500</td></tr><tr><td>Asian</td><td>1</td><td>5,000</td><td>2</td><td>7,500</td><td>3</td><td>12,500</td></tr><tr><td>Native Amer</td><td></td><td></td><td>1</td><td>5,000</td><td>1</td><td>5,000</td></tr><tr><td><b>Totals</b></td><td><b>10</b></td><td><b>32,500</b></td><td><b>50</b></td><td><b>172,710</b></td><td><b>60</b></td><td><b>205,210</b></td></tr></table> <p>The scholarship awards for MMF are as follows:</p> <table><tr><td>MMF</td><td>Male</td><td>Male</td><td>Female</td><td>Female</td><td>Total</td><td>Total</td></tr><tr><td>Race</td><td>Count</td><td>Award</td><td>Count</td><td>Award</td><td>Count</td><td>Award</td></tr><tr><td>Black</td><td>4</td><td>15,000</td><td>59</td><td>213,750</td><td>63</td><td>228,750</td></tr><tr><td>Hispanic</td><td>1</td><td>3,750</td><td>1</td><td>1,250</td><td>2</td><td>5,000</td></tr><tr><td>Asian</td><td></td><td></td><td>3</td><td>13,750</td><td>3</td><td>13,750</td></tr><tr><td>Native Amer</td><td></td><td></td><td>3</td><td>5,000</td><td>3</td><td>5,000</td></tr><tr><td>Other</td><td></td><td></td><td>1</td><td>6,250</td><td>1</td><td>6,250</td></tr><tr><td><b>Totals</b></td><td><b>5</b></td><td><b>18,750</b></td><td><b>67</b></td><td><b>240,000</b></td><td><b>72</b></td><td><b>258,750</b></td></tr></table>	STAR	Male	Male	Female	Female	Total	Total	Race	Count	Award	Count	Award	Count	Award	White	47	171,000	258	1,018,627	305	1,189,627	Black	3	6,000	28	121,500	31	127,500	Hispanic			2	12,000	2	12,000	Asian	1	6,000	2	9,000	3	15,000	Other	2	6,000	4	15,000	6	21,000	<b>Totals</b>	<b>53</b>	<b>189,000</b>	<b>294</b>	<b>1,176,127</b>	<b>347</b>	<b>1,365,127</b>	MTS	Male	Male	Female	Female	Total	Total	Race	Count	Award	Count	Award	Count	Award	Black	9	27,500	37	132,710	46	160,210	Hispanic			10	27,500	10	27,500	Asian	1	5,000	2	7,500	3	12,500	Native Amer			1	5,000	1	5,000	<b>Totals</b>	<b>10</b>	<b>32,500</b>	<b>50</b>	<b>172,710</b>	<b>60</b>	<b>205,210</b>	MMF	Male	Male	Female	Female	Total	Total	Race	Count	Award	Count	Award	Count	Award	Black	4	15,000	59	213,750	63	228,750	Hispanic	1	3,750	1	1,250	2	5,000	Asian			3	13,750	3	13,750	Native Amer			3	5,000	3	5,000	Other			1	6,250	1	6,250	<b>Totals</b>	<b>5</b>	<b>18,750</b>	<b>67</b>	<b>240,000</b>	<b>72</b>	<b>258,750</b>
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IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF SEPTEMBER 30, 2009
<i>XI. Minority Recruitment of ADE Staff</i>	The MRC met on October 9, 2007 at the ADE. Demographic reports were presented that showed ADE employees grade 21 and above by race and section as of June 30, 2007 and September 30, 2007. A spreadsheet was handed out that showed for grade 21 and above the number and percentage of black, white, and other race employees in each unit of the ADE. After reviewing the September report, it was determined that it needs some corrections. A new September report will be handed out after the changes have been made.
<i>XII. School Construction</i>	This goal is completed. No additional reporting is required.
<i>XIII. Assist PCSSD</i>	Goal completed as of June 1995.
<i>XIV. Scattered Site Housing</i>	This goal is completed. No additional reporting is required.
<i>XV. Standardized Test Selection to Determine Loan Forgiveness</i>	Goal completed as of March 2001.
<i>XVI. Monitor School Improvement Plans</i>	<p>On August 12, 2009, ADE staff met with Ken Kirspel, Superintendent of the NLRSD. Staff discussed the district's requirements for ACSIP and Smart Accountability.</p> <p>On August 13, 2009, ADE staff met with school leaders at Lakewood Middle School in the NLRSD. Staff discussed moving the school from a Title 1 Target school to the School Wide designation. Looked for evidence of the need to change the school designation. The evidence was found and the recommendation was made.</p> <p>On August 17, 2009, ADE staff facilitated a meeting between the NLRSD leadership team and Dr. Dee Cox of the ADE. Discussed answers to district questions regarding Smart Accountability.</p> <p>On August 18, 2009, ADE staff made a presentation at Lakewood Middle School in the NLRSD describing ACSIP and how the school should develop their school improvement plan.</p> <p>On August 25, 27 and 28, 2009, ADE staff worked with the district ACSIP Coordinator to conduct a peer review of the ACSIP plans for each school in the NLRSD.</p> <p>On September 8, 2009, ADE staff met with the principal, a consultant from JBHM, and the school leadership team at Popular Street Middle School in the NLRSD. Staff discussed ACSIP, the requirements of Smart Accountability and changes needed in the school improvement plan.</p>



IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF SEPTEMBER 30, 2009
<b><i>XVI. Monitor School Improvement Plans (Continued)</i></b>	<p data-bbox="656 281 1398 447">On September 11, 2009, ADE staff met with the principal and the school leadership team at Rose City Middle School in the NLRSD. Staff discussed ACSIP, the requirements of Smart Accountability and changes needed in the school improvement plan.</p> <p data-bbox="656 485 1398 651">On September 15, 2009, ADE staff met with the principal and the school leadership team at Lakewood Middle School in the NLRSD. Staff discussed ACSIP, the requirements of Smart Accountability and changes needed in the school improvement plan.</p> <p data-bbox="656 688 1398 783">On July 15, 2009, ADE staff met with federal and state coordinators in the Pulaski County School District Office to discuss plan approval for the 2009-2010 school year.</p> <p data-bbox="656 821 1398 1220">On August 4, 2009, ADE staff met at the Pulaski County Special School District Office with June Elliott, Deputy Superintendent, Bill Barnes, Director of Secondary Education, Rhonda Harnish, Director of Elementary Education, Sam Altschul, Director of Professional Development, and Barbara Frederick, Director of Title 1. Staff discussed the changes in this year's approval, the need to better coordinate private school assistance, homeless, Title IVA, and Title III/ELL. Described the restructuring priority required for all schools in year 4 or more of school improvement. The district is also in need of submitting the 45-60 plan for schools in year 6 improvement. Smart Accountability requirements for all schools were discussed.</p> <p data-bbox="656 1257 1398 1392">On August 10 and 11, 2009, ADE staff helped facilitate a two day retreat for the faculty of Murrell Taylor Elementary in the PCSSD. Staff discussed and analyzed test scores, revised the ACSIP and worked on team building throughout the school.</p> <p data-bbox="656 1430 1398 1593">On August 18, 2009, ADE staff facilitated a meeting between the PCSSD leadership team and Dr. Dee Cox of the ADE. Discussed answers to district questions regarding Smart Accountability. Representatives of America's Choice and the Arkansas Leadership Academy (ALA) were also present.</p> <p data-bbox="656 1631 1398 1759">On August 18, 2009, ADE staff met with the school leadership team at Oak Grove High School in the PCSSD to review the ACSIP and discuss how they were putting the Scholastic Audit into their plan.</p> <p data-bbox="656 1797 1398 1921">On August 31, 2009, ADE staff met with the school leadership team and the Arkansas Leadership Academy facilitator at Oak Grove High School in the PCSSD to discuss ACSIP and other school needs.</p>

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF SEPTEMBER 30, 2009
<i>XVI. Monitor School Improvement Plans (Continued)</i>	<p>On September 3, 2009, ADE staff met with the principal and the school ACSIP team at Jacksonville High School in the PCSSD. Staff reviewed ACSIP and described changes that were needed in the school's plan. School improvement and the role of the ACSIP team were also discussed.</p> <p>On September 8, 2009, ADE staff met with learning services leaders in the PCSSD about writing the district ACSIP and the requirements in the plan from the district checklist. Smart Accountability was also discussed.</p> <p>On September 8, 2009, ADE staff met with the school ACSIP team at Fuller Middle School in the PCSSD about writing the ACSIP and the requirements in the plan from the district checklist. Smart Accountability was also discussed.</p> <p>On September 14, 2009, ADE staff facilitated and directed a peer review of all school improvement plans in the PCSSD.</p> <p>On September 15, 2009, ADE staff met with leaders of the PCSSD and representatives of ALA and the ADE to discuss district needs.</p>

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF SEPTEMBER 30, 2009
<b><i>XVII. Data Collection</i></b>	<p>In March of 2009, the ADE Office of Public School Academic Accountability released the 2008 Arkansas School Performance Report (Report Card). The following changes were made to the Report Card this year: SAT-10 Norm Referenced Test was combined with state-mandated criterion-referenced testing to form the Augmented Benchmark Examinations for year 2007-08; Benchmark scores have been added for End-of-Course Biology and science in grades 5 and 7; Arkansas state average scores on the National Assessment for Educational Progress (NAEP) in fourth and eighth grade literacy and mathematics were added; district compliance with the requirement to provide textbooks for all pupils was added; the standard four-year adjusted cohort high school graduation rate for Arkansas recommended by the National Governor's Association was used in the State section; the gain index was added at the top of each school page inside the image of a yellow pencil. Arkansas Code Annotated §6-15-2102, requires that each school be identified as being in one of five category levels based on the annual improvement gains in student scores. Student growth is based upon changes in student performance levels across two adjacent years. For each school, the annual improvement gain index is the average of all value-added points across all students for literacy and math in grades 3 - 8 within the school. The purpose of the Arkansas School Performance Report is to generally improve public school accountability, to provide benchmarks for measuring individual school improvement, and to empower parents and guardians of children enrolled in Arkansas public schools by providing them with the information to judge the quality of their schools. The Department of Education annually publishes a school performance report for each individual public school in the state, and distributes the report to every parent or guardian of a child in kindergarten through grade twelve (K-12) in the public schools of Arkansas.</p>

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF SEPTEMBER 30, 2009
<p><b><i>XVIII. Work with the Parties and ODM to Develop Proposed Revisions to ADE's Monitoring and Reporting Obligations</i></b></p>	<p>On July 10, 2002, the ADE held a Desegregation Monitoring and Assistance Plan meeting for the three school districts in Pulaski County. Mr. Willie Morris, ADE Lead Planner for Desegregation, presented information on the No Child Left Behind Act of 2001. A letter from U.S. Secretary of Education, Rod Paige, was discussed. It stated that school districts that are subject to a desegregation plan are not exempt from the public school choice requirements. "If a desegregation plan forbids the school district from offering any transfer option, the school district should secure appropriate changes to the plan to permit compliance with the public school choice requirements". Schools in Arkansas have not yet been designated "Identified for Improvement". After a school has been "Identified for Improvement", it must make "adequate yearly progress". Schools that fail to meet the definition of "adequate yearly progress", for two consecutive years, must provide public school choice and supplemental education services. A court decision regarding the LRSD Unitary Status is expected soon. The LRSD and the NLRSD attended the meeting. The next meeting about the Desegregation Monitoring and Assistance Plan will be held in August, 2002, after school starts.</p>

Waivers Requested for Teachers Teaching Out of Area  
October 2009

LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
1701	Alma School District	6	Burris, Nancy	Elementary, MS Social Studies, MS Math	209	Algebra I Endorsement 8	09-10	Granted
			Haas, Katherine	PE/Wellness/Leisure, coaching	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Kuykendall, Sherrie	Elem K-6	295	Library Media Science P-8	07-08, 08-09, 09-10	Denied
			Peerson, Alicia	Language Arts	105	Grade 5/6 Endorsement (English)	09-10	Denied
			Vincent, Janice	MS English, MS Math, ECE P-4	231	Sp Ed Ech Inst Specialist P-4	07-08, 08-09, 09-10	Denied
			White, John Ross	Business Tech, Marketing Tech	215	Family & Consumer Sciences 7-12	09-10	Granted
6091	Ark. School For The Blind	8	Hall, Samantha	ECE P-4	232	Sp Education Visual Specialist P-4	09-10	Granted
			Hall, Samantha	ECE P-4	234	Sp Education Visual Specialist 4-12	09-10	Granted
			Landan, Megan	ECE P-4	232	Sp Education Visual Specialist P-4	09-10	Granted
			Landan, Megan	ECE P-4	234	Sp Education Visual Specialist 4-12	09-10	Granted
			Reddick, Alicia	Vocal Music P-12	232	Sp Education Visual Specialist P-4	09-10	Granted
			Reddick, Alicia	Vocal Music P-12	234	Sp Education Visual Specialist 4-12	09-10	Granted
			Smith, Stephanie	Business/Marketing	232	Sp Education Visual Specialist P-4	09-10	Granted
			Smith, Stephanie	Business/Marketing	234	Sp Education Visual Specialist 4-12	09-10	Granted
			Stracener, Christine	Elementary	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
			Hooper, Carol	Middle Level Education	209	Algebra I Endorsement 8	09-10	Granted

Waivers Requested for Teachers Teaching Out of Area  
October 2009

LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
4101	Ashdown School District	3	Byrum, Angela Madden, Amy Parker, Jennifer	ECE P-4 ECE P-4 Drama 7-12, Language Arts 3-8	230 201 166	Sp Education Instructional Specialist 4-12 Art P-8 English/ Language/ Arts 7- 12	09-10 09-10 09-10	Granted Denied Granted
7301	Bald Knob School District	5	Gilbee, Paula Hickmon, Charles R. Moore, Justin Richard Stumpenhous, Sara Stumpenhous, Sara	ECE P-4, Middle Level Education Physical Science Social Studies ECE P-4, Business Ed, Middle Level Education ECE P-4, Business Ed, Middle Level Education	299 170 293 299 300	Guidance & Counseling P-8 Life/Earth Science 7-12 Coaching 7-12 Guidance & Counseling P-8 Guidance & Counseling 7-12	09-10 09-10 08-09, 09-10 09-10 09-10	Granted Denied Denied Granted Granted
	Baxter County Alternative School	1	Harris, Jeffrey Jay	Middle Level Education	200	Mathematics 7-12	08-09, 09-10	Denied
5201	Bearden School District	6	Clark, David Clark, David Hartgen, Robert Lucas, Terri McGuire, Melanie McWhorter, Jana	Social Studies 7-12 Social Studies 7-12 PE P-12, Coaching P-12 Vocal Music P-12 MS Math/Science Elementary	169 170 167 113 200 225	Physical /Earth Science 7-12 Life/Earth Science 7-12 Social Studies 7-12 Drama Endorsement 7-12 Mathematics 7-12 Business Technology 7-12	09-10 09-10 09-10 09-10 08-09, 09-10 08-09, 09-10	Granted Granted Granted Granted Granted Granted
7302	Beebe School District	17	Brumfield, Lydia Brumfield, Lydia Crafton, Tiffany	MS Language Arts/Social Studies MS Language Arts/Social Studies Bldg. Adm., MS Math, Basic Math, Mathematics	305 306 299	Gifted & Talented P-8 Gifted & Talented 7-12 Guidance & Counseling P-8	09-10 09-10 08-09, 09-10	Granted Granted Granted



Waivers Requested for Teachers Teaching Out of Area  
October 2009

LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
Beebe School District Continued			Crafton, Tiffany	Bldg. Adm., MS Math, Basic Math, Mathematics	300	Guidance & Counseling 7-12	08-09, 09-10	Granted
			Deaton, Tammy	ECE P-4, Elementary 1-6, Special Ed P-4	305	Gifted & Talented P-8	07-08, 08-09, 09-10	Granted
			Deaton, Tammy	ECE P-4, Elementary 1-6, Special Ed P-4	306	Gifted & Talented 7-12	07-08, 08-09, 09-10	Granted
			Emmert, Mindy	Middle Level Education	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
			Hale, Alex	Social Studies	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Johnston, Dana	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Denied
			Jolly, Nikki	ECE P-4, Special Ed P-4	299	Guidance & Counseling P-8	07-08, 08-09, 09-10	Granted
			Lynn, Smanatha	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
			Martin, Jackie	ECE P-4, Social Studies	295	Library Media Science P-8	09-10	Denied
			Martin, Jackie	ECE P-4, Social Studies	296	Library Media Science 7-12	09-10	Denied
			McNeil, Rhonda	Elementary 1-6	305	Gifted & Talented P-8	09-10	Granted
			McNeil, Rhonda	Elementary 1-6	306	Gifted & Talented 7-12	09-10	Granted
			Moore, Paula	MS English/Social Studies, Elementary 1-6, Reading P 12	295	Library Media Science P-8	08-09, 09-10	Granted
			Moore, Paula	MS English/Social Studies, Elementary 1-6, Reading P 12	296	Library Media Science 7-12	08-09, 09-10	Granted
			Beggs, Kellie	Elem 1-6, MS Social Studies	295	Library Media Science P-8	09-10	Granted
6302	Benton School District	6						

Waivers Requested for Teachers Teaching Out of Area  
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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
	Benton School District Continued		Beggs, Kellie	Elem 1-6, MS Social Studies	296	Library Media Science 7-12	09-10	Granted
			Felan, Anne	ECE P-4, Middle Level Education	305	Gifted & Talented P-8	08-09, 09-10	Granted
			Mercer, Kevin	PE/Wellness/Leisure, Coaching	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
			Roseberry, Morgan	ECE P-4	305	Gifted & Talented P-8	07-08, 08-09, 09-10	Granted
			Wright, Roberta	Elementary 1-6	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
0502	Bergman School District	2	Keys, Brittany	Social Studies 7-12	295	Library Media Science P-8	09-10	Granted
			Keys, Brittany	Social Studies 7-12	296	Library Media Science 7-12	09-10	Granted
0801	Berryville School District	2	Ashworth, Kirk	English	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Denied
			Skelton, Christy	Agri Science	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Denied
3001	Bismarck School District	4	Hughes, Lana	Bldg. Adm. P-12, Middle Level Education, Elem 1-6	321	Curr/Program Adm/Curr P-8	09-10	Granted
			Hughes, Lana	Bldg. Adm. P-12, Middle Level Education, Elem 1-6	322	Curr/Program Adm/Curr 7-12	09-10	Granted
			McAnally, Misti Dawn	English 7-12	295	Library Media Science P-8	09-10	Granted
			McAnally, Misti Dawn	English 7-12	296	Library Media Science 7-12	09-10	Granted
2901	Blevins School District	7	Brown, Blandi	Middle School Math	002	English/Language/Social Studies 4-8	09-10	Granted
			Clark, Stephanie	P-4 ECE	002	English/Language/Social Studies 4-8	08-09, 09-10	Granted

Waivers Requested for Teachers Teaching Out of Area  
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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
4702	Blevins School District Continued	8	Gentry, Tarah	English 7-12			07-08, 08-09, 09-10	Denied
			Gentry, Tarah	English 7-12	114	Speech Endorsement 7-12	09-10	Granted
			Roy, Debbie	Middle School Math	200	Drama Endorsement 7-12	09-10	Granted
			Sims, Deborah	ECE P-4	002	Mathematics 7-12	09-10	Granted
			Woodruff, Andrea	Middle Level Education		English/Language/Social Studies 4-8	09-10	Granted
			Bell, Alicia Tuggle	Middle Level Education	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Bowers, Donna	Middle Level Education	200	Mathematics 7-12	09-10	Granted
			Bowers, Donna	ECE P-4, Spec Ed P-12	299	Guidance & Counseling P-8	09-10	Granted
			Bowers, Donna	ECE P-4, Spec Ed P-12	300	Guidance & Counseling 7-12	09-10	Granted
			Davis, Nicole Lester	English 7-12	108	Journalism 7-12	08-09, 09-10	Granted
3701	Bradley School District	6	Johnson, Marti	ECE P-4, Elem K-6	295	Library Media Science P-8	08-09, 09-10	Granted
			Johnson, Marti	ECE P-4, Elem K-6	296	Library Media Science 7-12	08-09, 09-10	Granted
			Kennedy, Christie	Elementary 1-6, Spec Ed P-4	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			McCleskey, Amanda	ECE P-4	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Johnson, Cathy	Middle Level Education	200	Mathematics 7-12	08-09, 09-10	Granted
			McDonald, Brenda	Life/Earth Science	169	Physical /Earth Science 7-12	09-10	Denied
			Moore, Sherri	ECE P-4, Elem K-6	312	Building Administrator P-8	07-08, 08-09, 09-10	Granted
			Walker, Katie	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted

Waivers Requested for Teachers Teaching Out of Area  
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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
	Bradley School District Continued		Walker, Katie	ECE P-4	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Weems, Barbara	Elementary 1-6	201	Art P-8	08-09, 09-10	Denied
			Lee, Jana	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
4801	Brinkley School District	1	Benson, Sheila	ECE P-4, MS Social Studies, Elem K-6	305	Gifted & Talented P-8	08-09, 09-10	Granted
6303	Bryant School District	22	Benson, Sheila	ECE P-4, MS Social Studies, Elem K-6	306	Gifted & Talented 7-12	08-09, 09-10	Granted
			Catlett, Jessica	ECE P-4, ESL P-12	305	Gifted & Talented P-8	08-09, 09-10	Granted
			Catlett, Jessica	ECE P-4, ESL P-12	306	Gifted & Talented 7-12	08-09, 09-10	Granted
			Cleveland, Cheryl	MS Social Studies/English, Journalism	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Cozart, Jeanne	MS Social Studies, Elem K- 6, Business Tech 4-8	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Edmonson, Tammi	MS Social Studies, Elem K- 6, Building Adm. P-8	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Ford, Judy	Special Ed P-4	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
			Foster, Maro	ECE P-4, 5/6 Endorsement	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Gillett, Hazel	ECE P-4	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
			Grant, Autumn	Secondary Math	305	Gifted & Talented P-8	07-08, 08-09, 09-10	Granted

Waivers Requested for Teachers Teaching Out of Area  
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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
Bryant School District Continued			Grant, Autumn	Secondary Math	306	Gifted & Talented 7-12	07-08, 08-09, 09-10	Granted
			Hartsfield, Rebecca	Elementary K-6	305	Gifted & Talented P-8	07-08, 08-09, 09-10	Granted
			Hartsfield, Rebecca	Elementary K-6	306	Gifted & Talented 7-12	07-08, 08-09, 09-10	Granted
			Layne, Angela	ECE P-4, Spec Ed P-4	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Minton, Shannon	Middle Level Education	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
			Murillo, Jennifer	Middle Level Education	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Stepp, Deborah	Health and PE K-12	167	Social Studies 7-12	09-10	Granted
			Walker, Joan	Elem K-6, Special Ed P-12	305	Gifted & Talented P-8	07-08, 08-09, 09-10	Granted
			Walker, Joan	Elem K-6, Special Ed P-12	306	Gifted & Talented 7-12	07-08, 08-09, 09-10	Granted
			Whitney, Avra	ECE P-4, ESL P-12	305	Gifted & Talented P-8	08-09, 09-10	Granted
3301 Calico Rock School District		2	Whitney, Avra	ECE P-4, ESL P-12	306	Gifted & Talented 7-12	08-09, 09-10	Granted
			Wyatt, Mary E.	Life/Earth Science	299	Guidance & Counseling P-8	09-10	Granted
4303 Carlisle School District		5	Wyatt, Mary E.	General Science, Life/Earth Science	300	Guidance & Counseling 7-12	09-10	Granted
			Brown, Melanie	Speci Ed 4-12	299	Guidance & Counseling P-8	08-09, 09-10	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
	Carlisle School District Continued		Cagle, Janet	FACS 4-8	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Cagle, Janet	FACS 4-8	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
			Hardke, Melodie	Social Studies 7-12	296	Library Media Science 7-12	08-09, 09-10	Granted
			Ward, Debra	Elementary 1-6	312	Building Administrator P-8	09-10	Granted
	CCCEC Beginnings Preschool	1	Williams, Kathryn	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
3212	Cedar Ridge School District	3	Crow, Jodi	Social Studies 7-12	166	English/ Language/ Arts 7-12	09-10	Granted
			McKinny, Lynette	Elem 1-6	168	Science/Mathematics 4-8	09-10	Granted
			Toon, Cheryl	Elem K-6	166	English/ Language/ Arts 7-12	08-09, 09-10	Granted
1702	Cedarville School District	3	Henderson, Misty	Elementary	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
			Potts, Andrea	English, Social Studies, Library, Speech, Journalism	305	Gifted & Talented P-8	08-09, 09-10	Granted
			Potts, Andrea	English, Social Studies, Library, Speech, Journalism	306	Gifted & Talented 7-12	08-09, 09-10	Granted
5502	Centerpoint School District	2	Crawford, Jennifer	Elementary 1-6, Math 5-8	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Ford, April	Elem 1-6, PE K-12	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Kellensworth, Christy	Middle Level Education	230	Sp Education Instructional Specialist 4-12	09-10	Granted
3601	Clarksville School District	2	Ashlock, Anita	Elementary 1-6	231	Sp Ed Ech Inst Specialist P-4	07-08, 08-09, 09-10	Granted
			Wilcox-Trusty, Cassey	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted



Waivers Requested for Teachers Teaching Out of Area  
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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
0302	Cotter School District	5	Franks, Deanna	Elementary 1-6, MS Social Studies	215	Family & Consumer Sciences 7-12	09-10	Denied
			Jaeger, Christine	Elem K-6	295	Library Media Science P-8	08-09, 09-10	Denied
			Manns, Amelia	FACS 4-8	296	Library Media Science 7-12	09-10	Denied
			Springfield, Monica	Elem P-8	305	Gifted & Talented P-8	08-09, 09-10	Denied
			Springfield, Monica	Elem P-8	306	Gifted & Talented 7-12	08-09, 09-10	Denied
1901	Cross County School District	10	Baker, Melinda	ECE P-4	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Denied
			Carlson, Andrea	ECE P-4	230	Sp Education Instructional Specialist 4-12	09-10	Denied
			House, Blair	Coaching, Social Studies	200	Mathematics 7-12	09-10	Granted
			Moore, Melissa Ann	Elementary 1-6, Special Education P-12	318	Curr Program Adm. Sp. Ed P-4	09-10	Granted
			Moore, Melissa Ann	Elementary 1-6, Special Education P-12	319	Curr Program Adm Sp.Ed 4-12	09-10	Granted
			Prince, Stephen	Middle Level Education	312	Building Administrator P-8	09-10	Granted
			Prince, Stephen	Middle Level Education	313	Building Administrator 7-12	09-10	Granted
			Tyner, Terri	Business Education, Math, Business Technology	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
			Wilson, Carolyn	Elementary 1-6, Guidance K-12	321	Curr/Program Adm/Curr P-8	08-09, 09-10	Granted
			Wilson, Carolyn	Elementary 1-6, Guidance K-12	322	Curr/Program Adm/Curr 7-12	08-09, 09-10	Granted
0201	Crossett School District	5	Elliott, Crystal	PE/Wellness/Leisure, Coaching	168	Science/Mathematics 4-8	09-10	Granted
			Elliott, Henry	PE/Wellness/Leisure, Coaching	168	Science/Mathematics 4-8	09-10	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
Crossett School District Continued			Hagit, Gregory	Business Technology	231	Sp Ed Ech Inst Specialist P-4	07-08, 08-09, 09-10	Granted
			Hoover, John	ECE P-4	168	Science/Mathematics 4-8	09-10	Denied
			Ingram, Theodis	Physical Education 7012, Health	313	Building Administrator 7-12	08-09, 09-10	Granted
2601	Cutter-Morning Star Sch. Dist.	1	Key, Dyann	ECE P-4	230	Sp Education Instructional Specialist 4-12	09-10	Granted
7503	Danville School District	3	Hettinga, Zachary	PE/Wellness/Leisure, Coaching	167	Social Studies 7-12	08-09, 09-10	Granted
7504	Dardanelle School District	2	McVay, Rebecca	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
			Richards, Joshua	English 7-12	113	Drama Endorsement 7-12	09-10	Granted
			Huelle, Lisa K.	Social Studies 7-12	295	Library Media Science P-8	09-10	Granted
			Huelle, Lisa K.	Social Studies 7-12	296	Library Media Science 7-12	09-10	Granted
5106	DDTCS - Stepping Stone Deer/Mt. Judea School District	5	Mooneyham, Tamara	ECE P-4, Middle Level Education	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
			Crow, Lucinda	English, Special Ed 4-12, Reading, Journalism	305	Gifted & Talented P-8	09-10	Granted
			Crow, Lucinda	English, Special Ed 4-12, Reading, Journalism	306	Gifted & Talented 7-12	09-10	Granted
			King, Melissa	ECE P-4, Elementary K-6, MS Social Studies, MS English, Reading, Curriculum Administrator	312	Building Administrator P-8	09-10	Granted
0101	DeWitt School District	6	King, Melissa	ECE P-4, Elementary K-6, MS Social Studies, MS English, Reading, Curriculum Administrator	313	Building Administrator 7-12	09-10	Granted
			Spivey, Joy	Social Studies 7-12	106	Grade 5/6 Endorsement	08-09, 09-10	Granted
			Barnes, Kristy	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
DeWitt School District Continued			Cunningham, Laura	Business Education, Vocational Education, Career Education, CCVE	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Duncan, Jacqueline	Spec Ed :-4	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
			Padgett, Megan	ECE P-4	305	Gifted & Talented P-8	07-08, 08-09, 09-10	Granted
			Padgett, Megan	ECE P-4	306	Gifted & Talented 7-12	07-08, 08-09, 09-10	Granted
			Wilson, Lori	Elem 1-6	299	Guidance & Counseling P-8	07-08, 08-09, 09-10	Granted
			Barton, Houston	Social Studies	166	English/ Language/ Arts 7- 12	05-06, 06-07, 07-08	Denied
6094 Jonesboro	Division of Youth Services -	6	Dollar, Wayne	Elementary 1-6	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
			Johnson, Judy K.	Biology, Earth Science, PE	169	Physical /Earth Science 7-12	08-09, 09-10	Denied
			Moseley, Sharon	ECE P-4, MS English, Elementary 1-6	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
			Seefeld, Christopher	Social Studies	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Washington, George	Business Ed	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Denied
			Berry, Kate Elizabeth	Middle Level Education	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
2202	Drew Central School District	3	Howard, Whitney	Physical/Earth Science	170	Life/Earth Science 7-12	09-10	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
	Drew Central School District Continued		James, Lee Ann	Life/Earth Science	169	Physical /Earth Science 7-12	09-10	Granted
			Meeks, Alexia	English	167	Social Studies 7-12	09-10	Granted
5301	East End School District	1	Bell, Jessica	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
7001	El Dorado School District	6	Benedetti, Jennifer	ECE P-4	107	Grade 5/6 Endorsement (P-4)	08-09, 09-10	Granted
			Berry, Shannon	Middle Level Education, Elementary 1-6	305	Gifted & Talented P-8	08-09, 09-10	Granted
			Hampton, Tennille	Business Tech, Middle Level Education	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			O'Guinn, Bernadette	Secondary Counseling	299	Guidance & Counseling P-8	08-09, 09-10	Granted
			Tucker, Sherrin	ECE P-4	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Walker, Kathy	Social Studies, Psychology	166	English/ Language/ Arts 7-12	09-10	Granted
4302	England School District	6	Bennett, Virginia	Agricultural Science	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Nally, Eddie	Physical Science	312	Building Administrator P-8	09-10	Denied
			Nally, Eddie	Physical Science	313	Building Administrator 7-12	09-10	Denied
			Price, Stephanie	Elem 1-6	295	Library Media Science P-8	08-09, 09-10	Granted
			Treadway, Julia Mize	ECE P-4	299	Guidance & Counseling P-8	08-09, 09-10	Granted
			Treadway, Julia Mize	ECE P-4	300	Guidance & Counseling 7-12	08-09, 09-10	Granted
7202	Farmington School District	1	Gadberry, Christian	Health, PE, Coaching	232	Sp Education Visual Specialist P-4	08-09, 09-10	Granted
	Faulkner County Day School	1	Alumbaugh, Sallie	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
7203	Fayetteville School District	16	Brown, Amber	ECE P-4, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
Fayetteville School District Continued			Colbert, John	Elem Principal, Special Ed P-12	311	District Administrator P-12	08-09, 09-10	Granted
			Hall, Christen	Language Arts	307	English As A Second Language P-8	09-10	Granted
			Harrell, Melissa	ECE P-4, MS Social Studies, Elem K-6	231	Sp Ed Ech Inst Specialist P-4	07-08, 08-09, 09-10	Granted
			Harrell, Melissa	ECE P-4, MS Social Studies, Elem K-6	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
			Harris, Jeanette	ECE P-4, MS Social Studies, Elem K-6	295	Library Media Science P-8	08-09, 09-10	Granted
			Harris, Jeanette	ECE P-4, MS Social Studies, Elem K-6	296	Library Media Science 7-12	08-09, 09-10	Granted
			Hauser, Marianne	Health, PE, Life/Earth Science	313	Building Administrator 7-12	09-10	Denied
			Huner, Brooks	PE/Wellness/Leisure	168	Science/Mathematics 4-8	09-10	Granted
			Johnson, Melanie	ECE P-4	107	Grade 5/6 Endorsement (P-4)	09-10	Granted
			Keeley, Randa	ESL, Language Arts	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Robertson, Jody	Middle Level Education	299	Guidance & Counseling P-8	09-10	Granted
			Trolinger, Alexis	FACS, ESL	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Webb, Rebecca	Elem Principal, ECE P-4, MS Math, MS Social Studies	295	Library Media Science P-8	08-09, 09-10	Granted
			Webb, Rebecca	Elem Principal, ECE P-4, MS Math, MS Social Studies	296	Library Media Science 7-12	08-09, 09-10	Granted
			White, Jacqueline	Social Studies	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
2002	Fordyce School District	6	Applegate, Shelley	Social Studies 7-12	002	English/Language/Social Studies 4-8	09-10	Granted
			Bohannon, Heather	MS Math, Trans. Math 9-12	200	Mathematics 7-12	08-09, 09-10	Granted
			Finley, Cassandra	Art P-12	300	Guidance & Counseling 7-12	09-10	Granted
			Misenheimer, Heather	Math 4-8, Transitional Math 9-12	200	Mathematics 7-12	08-09, 09-10	Denied
			Rice, Nikki	English Language Arts	295	Library Media Science P-8	08-09, 09-10	Denied
			Rice, Nikki	English Language Arts	296	Library Media Science 7-12	08-09, 09-10	Denied
6201	Forrest City School District	2	Murphy, Bettina	Elementary 1-6, Bldg. Adm. P-8	305	Gifted & Talented P-8	08-09, 09-10	Denied
			Murphy, Bettina	Elementary 1-6, Bldg. Adm. P-8	306	Gifted & Talented 7-12	08-09, 09-10	Denied
6601	Fort Smith School District	4	Lewis, Brandy	English 7-12	308	English As A Second Language 7-12	09-10	Granted
			Riley, Judith	Vocal Music P-12	2010	Survey of Fine Arts	09-10	Granted
			Smith, Tanya	Ece P-4, Guidance p-12, Elem. K-6	312	Building Administrator P-8	09-10	Granted
			Smith, Tanya	Ece P-4, Guidance p-12, Elem. K-6	313	Building Administrator 7-12	09-10	Granted
2602	Fountain Lake School District	2	Hernandez, Miguel	Bldg. Adm. P-12, Mathematics, PE/Wellness/Leisure P-12	169	Physical /Earth Science 7-12	09-10	Granted
			Meske, Chris	PE, Coaching, Math,	411	Career Orientation Endorsement 7-12	09-10	Granted
			Scott, Tami	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10	Denied
4602	Genoa Central School District	1	Hudson, Tricia	Middle School English	167	Social Studies 7-12	09-10	Denied

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
0403	Gentry School District	2	Cunningham, Samm	Elem 1-6, ESL P-12	305	Gifted & Talented P-8	08-09, 09-10	Granted
			Cunningham, Samm	Elem 1-6, ESL P-12	306	Gifted & Talented 7-12	08-09, 09-10	Granted
4708	Gosnell School District	7	Beasley, Hayley	ECE P-4	107	Grade 5/6 Endorsement (P-4)	09-10	Granted
			Crosskno, Amanda	ECE P-4, MS Social Studies	203	Vocal Music P-8	09-10	Granted
			Crosskno, Amanda	ECE P-4, MS Social Studies	205	Instrumental Music P-8	09-10	Granted
			Roberts, Jessica	ECE P-4	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Roberts, Jessica	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
			Rouse, Lindsay	ECE P-4	107	Grade 5/6 Endorsement (P-4)	08-09, 09-10	Granted
			Sellers, Melissa	ECE P-4, MS Social Studies	201	Art P-8	09-10	Granted
0803	Green Forest School District	1	Thurman, Ashton	PE K-12/Health	168	Science/Mathematics 4-8	09-10	Granted
6602	Greenwood School District	6	Griffith, Ashley	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	07-08, 08-09, 09-10	Granted
			Martin, Shannon	Mathematics 7-12	230	Sp Education Instructional Specialist 4-12	09-10	Denied
			Phillips, Michelle	MS English/SS. English 7-12, Elementary 1-6,	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Reed, Joshua	PE/Wellness/Leisure P-12, Coaching	167	Social Studies 7-12	09-10	Granted
			Young, Emily	Elementary 1-6, MS Social Studies	168	Science/Mathematics 4-8	09-10	Granted
			Young, Emily	Elementary 1-6, MS Social Studies	002	English/Language/Social Studies 4-8	09-10	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
1003	Gurdon School District	3	Burkman, Keri	Elementary K-6	166	English/ Language/ Arts 7-12	09-10	Granted
			Capps, Jon	Middle Level Education	200	Mathematics 7-12	09-10	Granted
			Crawley, Mark	Agri Science	200	Mathematics 7-12	09-10	Granted
0203	Hamburg School District	2	Chapman, Lynda	Middle School Math, Elementary 1-6	209	Algebra I Endorsement 8	09-10	Granted
			Outlaw, Jason	Elem 1-6, Social Studies 5-12, Coaching	235	Physical Education, Wellness & Leisure P-8	09-10	Granted
5205	Harmony Grove School District - Camden	2	Esch, Kristi	Reading Specialist, Elem 1-6	299	Guidance & Counseling P-8	07-08, 08-09, 09-10	Granted
			Esch, Kristi	Reading Specialist, Elem 1-6	300	Guidance & Counseling 7-12	07-08, 08-09, 09-10	Granted
6304	Harmony Grove School District - Benton	6	Kelly, Brandon	PE/Wellness/Leisure, Coaching, Driver's Ed	169	Physical /Earth Science 7-12	09-10	Denied
			Kloss, Karen	Elementary	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Mooney, Ricky	PE 7-12, Coaching, MS Science/Social Studies	299	Guidance & Counseling P-8	07-08, 08-09, 09-10	Granted
			Mooney, Ricky	PE 7-12, Coaching, MS Science/Social Studies	300	Guidance & Counseling 7-12	07-08, 08-09, 09-10	Granted
			Reynolds, Kristin	ECE P-4, Spec Ed P-4	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Simmons, Susan	Business Ed/ Business Tech, Workplace Readiness	300	Guidance & Counseling 7-12	08-09, 09-10	Granted
5602	Harrisburg School District	1	Benson, Carol Suzar	ECE P-4, Elementary	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
6604	Hartford School District	8	Asher, Winnie	Life/Earth Science	169	Physical /Earth Science 7-12	09-10	Granted



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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
Hartford School District Continued			Denton, Ronnie	PE P-12	293	Coaching 7-12	08-09, 09-10	Denied
			Denton, Ronnie	PE P-12	236	Physical Education, Wellness & Leisure 7-12	08-09, 09-10	Denied
			Denton, Ronnie	PE P-12	167	Social Studies 7-12	08-09, 09-10	Denied
			Harris, Carolyn	ECE P-4, Middle Level Education, Bldg. Admin P-8	299	Guidance & Counseling P-8	09-10	Denied
			Harris, Carolyn	ECE P-4, Middle Level Education, Bldg. Admin P-8	300	Guidance & Counseling 7-12	09-10	Denied
			Morris, James David	Life/Earth Science, Physical/Earth Science	002	English/Language/Social Studies 4-8	09-10	Denied
			Morris, James David	Life/Earth Science, Physical/Earth Science	168	Science/Mathematics 4-8	09-10	Denied
			Brogdon, Amanda	Business Technology	305	Gifted & Talented P-8	09-10	Granted
			Cardenas, Melissa	Middle Level Education, Reading,	231	Sp Ed Ech Inst Specialist P-4	07-08, 08-09, 09-10	Granted
			George, Carmen	Elementary 1-6, MS English	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
5803	Hector School District	1	Coffman, Sara	Social Studies 7-12	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
5403	Helena/W.Helena School Dist.	2	Donaldson, Jerry Morris, Synetra	PE/Wellness/Leisure, Ece P-4 Elementary K-6	312 312	Building Administrator P-8 Building Administrator P-8	09-10 09-10	Granted Granted
3809	Hillcrest School District	1	Jones, Luann	Reading, Elem 1-6, Business Tech 4-8	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
2603	Hot Springs School District	16	Carr, Jessica	Elementary 1-6	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
Hot Springs School District Continued			Evans, William	Instrumental Music	295	Library Media Science P-8	08-09, 09-10	Denied
			Evans, William	Instrumental Music	296	Library Media Science 7-12	08-09, 09-10	Denied
			Gann, Dana	MS English	295	Library Media Science P-8	08-09, 09-10	Denied
			Gann, Dana	MS English	296	Library Media Science 7-12	08-09, 09-10	Denied
			Hall, Susan	Middle Level Education	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Montgomery, Michael	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	07-08, 08-09, 09-10	Granted
			Roberson, Carol	Elementary K-6	295	Library Media Science P-8	08-09, 09-10	Denied
			Roberson, Carol	Elementary K-6	296	Library Media Science 7-12	08-09, 09-10	Denied
			Sims, Alicia	Social Studies	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Snider, Amy	Elementary 1-6	299	Guidance & Counseling P-8	09-10	Denied
			Snider, Amy	Elementary 1-6	300	Guidance & Counseling 7-12	09-10	Denied
			Willis, Donna	Elementary K-6	295	Library Media Science P-8	08-09, 09-10	Denied
			Willis, Donna	Elementary K-6	296	Library Media Science 7-12	08-09, 09-10	Denied
			Wingfield, Suanna	English 7-12	299	Guidance & Counseling P-8	09-10	Denied
			Wingfield, Suanna	English 7-12	300	Guidance & Counseling 7-12	09-10	Denied
			Galas, Matthew	ECE P-4, Middle Level Education	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
6202	Hughes School District	2						

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
	Hughes School District Continued		Wise, Lynda	Business Ed, Elementary 1 6, Guidance K-9	300	Guidance & Counseling 7-12	09-10	Granted
4401	Huntsville School District	3	Heavner, John	Vocal/Instrumental Music K-12	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Shepherd, Wanda	Special Education 4-12, MS Language Arts/Social Studies	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
			Witt, Karen Angela	Business Ed/ Business Tech	222	Marketing Technology 7-12	09-10	Granted
3306	Izard Co. Cons. School Dist.	6	Booth, Anthony	Science, Life/Earth Science	169	Physical /Earth Science 7-12	09-10	Granted
			Herron, Michele	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Denied
			McBride, Lagena	English 7-12, Journalism	305	Gifted & Talented P-8	07-08, 08-09, 09-10	Granted
			McBride, Lagena	English 7-12, Journalism	306	Gifted & Talented 7-12	07-08, 08-09, 09-10	Granted
			Stevenson, Amy	Middle Level Education	295	Library Media Science P-8	09-10	Granted
			Treat, Danielle	English 7-12	208	Drama/Speech 7-12	08-09, 09-10	Granted
5102	Jasper School District	7	Brasel, Lori	ECE P-4	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Dougan, Claire Roge	ECE P-4, Middle Level Education	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Dougan, Claire Roge	ECE P-4, Middle Level Education	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
			Moss, Steven Michael	PE/Health 7-12	293	Coaching 7-12	09-10	Denied
			Welch, Thomas	Middle Level Education	200	Mathematics 7-12	09-10	Granted
			Yarbrough, Tresa	Business Education	295	Library Media Science P-8	09-10	Granted
			Yarbrough, Tresa	Business Education	296	Library Media Science 7-12	09-10	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
1608	Jonesboro School District	11	Brewington, Traci	ECE P-4, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	09-10	Denied
			Buchanan, Natoya	Middle Level Education	312	Building Administrator P-8	09-10	Granted
			Cobbs, Charles	Secondary Principal, Life/Earth Science	311	District Administrator P-12	08-09, 09-10	Denied
			Hicks, Christopher	No Arkansas License	168	Science/Mathematics 4-8	09-10	Denied
			Lichucki, Kylene	No Arkansas License	002	English/Language/Social Studies 4-8	09-10	Denied
			Lichucki, Kylene	No Arkansas License	168	Science/Mathematics 4-8	09-10	Denied
			Moore, Jeremy	Coaching, English, Driver's Ed	228	Physical Education/Wellness/Leisure 7-12	09-10	Denied
			Nelson, Tara	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10	Denied
			Smith, Melinda	Elem 1-6, Spec Ed K-12	305	Gifted & Talented P-8	09-10	Denied
			Smith, Melinda	Elem 1-6, Spec Ed K-12	306	Gifted & Talented 7-12	09-10	Denied
			Watts, Ronda	Middle Level Education, Elementary 1-6	300	Guidance & Counseling 7-12	09-10	Granted
7003	Junction City School District	2	Metcalf, Michelle	Instrumental Music K-12	203	Vocal Music P-8	08-09, 09-10	Granted
			Metcalf, Michelle	Instrumental Music K-12	204	Vocal Music 7-12	08-09, 09-10	Granted
3704	Lafayette County School District	2	Cearley, Forrest	Physical Education 7-12	200	Mathematics 7-12	08-09, 09-10	Denied
			Maness, Kimberly	ECE P-4	107	Grade 5/6 Endorsement (P-4)	09-10	Granted
2605	Lake Hamilton School District	2	Bell, Pamela	Ece P-4, MS English, MS Science, MS Social Studies, FACS, Workplace Readiness	203	Vocal Music P-8	08-09, 09-10	Granted
			Koenig, Scott	English 7-12	108	Journalism 7-12	09-10	Granted
6605	Lavaca School District	9	Bogan, Dustin	PE/Wellness/Leisure, Coaching	167	Social Studies 7-12	09-10	Granted
			Carter, Chase	Instrumental Music K-12	203	Vocal Music P-8	09-10	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
Lavaca School District Continued			Carter, Chase	Instrumental Music K-12	204	Vocal Music 7-12	09-10	Granted
			Gray, Ryan	Social Studies 7-12	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Howard, Kay	Elementary 1-6	305	Gifted & Talented P-8	09-10	Granted
			Howard, Kay	Elementary 1-6	306	Gifted & Talented 7-12	09-10	Granted
			Morgan, Joshua	ECE P-4	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
			Shaffer, Jerri Nicole	MS Math/Science	209	Algebra I Endorsement 8	08-09, 09-10	Granted
			Tucker, Lance	PE/Wellness/Leisure, Coaching	167	Social Studies 7-12	09-10	Granted
			Grigg, Lindsey	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
			Hatfield, Darlene	Elem K-6, Middle Level Education	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Hunt, Morgan	Business Ed	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
4301 Lonoke School District 4202 Magazine School District			Snyder, Brooke	Middle Level Education	225	Business Technology 7-12	09-10	Denied
			Webb-Stivers, Nicole	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10	Denied
			Chastain, Aaron	English	114	Speech Endorsement 7-12	09-10	Granted
			Gray, Jessica	Agriculture Science, Career Orientation	170	Life/Earth Science 7-12	09-10	Granted
			Gray, Jessica	Agriculture Science, Career Orientation	168	Science/Mathematics 4-8	09-10	Granted
			Hicks, Jamanda	ECE P-4	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
			Hicks, Jamanda	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	07-08, 08-09, 09-10	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
1402	Magnolia School District	6	Harrell, Krista	PE P-12, Coaching P-12	231	Sp Ed Ech Inst Specialist P-4	07-08, 08-09, 09-10	Granted
			Kirkpatrick, Jennifer	Physical/Earth Science, Life/Earth Science	200	Mathematics 7-12	09-10	Granted
			Satterfield, Wendy H	ECE P-4	107	Grade 5/6 Endorsement (P-4)	08-09, 09-10	Granted
			Smith, Cassidy Flow	ECE P-4	305	Gifted & Talented P-8	07-08, 08-09, 09-10	Granted
			Smith, Cassidy Flow	ECE P-4	306	Gifted & Talented 7-12	07-08, 08-09, 09-10	Granted
			Williamson, David	Health Ed, PE, Social Studies, Science	170	Life/Earth Science 7-12	09-10	Granted
3004	Malvern School District	3	Jones, Scott	Bldg. Adm. P-12, PE/Wellness/Leisure 7-12	311	District Administrator P-12	08-09, 09-10	Granted
			Keeney, Velda	English 7-12, Journalism, Drama	313	Building Administrator 7-12	08-09, 09-10	Granted
			Reeves, Marvin	PE/Wellness/Leisure	169	Physical /Earth Science 7-12	07-08, 08-09, 09-10	Granted
4712	Manila School District	2	Duffell, Christy	Middle Level Education	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Denied
			Shedd, Trena	Business Education	299	Guidance & Counseling P-8	09-10	Granted
2803	Marmaduke School District	2	Muse, Bill	Special Education 4-12, MS Language Arts/Social Studies	305	Gifted & Talented P-8	08-09, 09-10	Granted
			Muse, Bill	Special Education 4-12, MS Language Arts/Social Studies	306	Gifted & Talented 7-12	08-09, 09-10	Granted
			Sellers, Kristen	ECE P-4	201	Art P-8	09-10	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
5703	Mena School District	1	Shelley, Linda	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
3104	Mineral Springs School Dist.	2	Clemons, Jacque	ECE P-4, Elementary K-6, MS Social Studies, MS English, Reading, Curriculum Administrator	231	Sp Ed Ech Inst Specialist P-4	09-10	Denied
			Coulter, Kayla	ECE P-4, Spec Ed P-4	230	Sp Education Instructional Specialist 4-12	09-10	Denied
0303	Mountain Home School District	1	Nelson, Kristi	Physical/Earth Science, Elementary K-6, MS English/SS, Vocal & Instrumental Music P-12	305	Gifted & Talented P-8	09-10	Granted
2607	Mountain Pine School District	2	Janush, Dana	ECE P-4	305	Gifted & Talented P-8	09-10	Granted
			Janush, Dana	ECE P-4	306	Gifted & Talented 7-12	09-10	Granted
6901	Mountain View School District	9	Avey, Dewyn	MS Social Studies, English	295	Library Media Science P-8	09-10	Denied
			Avey, Dewyn	MS Social Studies, English	296	Library Media Science 7-12	09-10	Granted
			Barber, Jonathan Carl Brett	PE/Wellness/Leisure, Coaching	305	Gifted & Talented P-8	08-09, 09-10	Granted
			Barber, Jonathan Carl Brett	PE/Wellness/Leisure, Coaching	306	Gifted & Talented 7-12	08-09, 09-10	Granted
			Branscum, Shelley	Spanish, English, Art, P-12	108	Journalism 7-12	08-09, 09-10	Granted
			Henley, Joshua	PE/Wellness/Leisure, Adult Education	169	Physical /Earth Science 7-12	07-08, 08-09, 09-10	Granted
			Henley, Joshua	PE/Wellness/Leisure, Adult Education	170	Life/Earth Science 7-12	07-08, 08-09, 09-10	Granted
			Mitchell, Terina	ECE P-4	203	Vocal Music P-8	07-08, 08-09, 09-10	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
	Mountain View School District Continued		Mitchell, Terina	ECE P-4	205	Instrumental Music P-8	07-08, 08-09, 09-10	Granted
1704	Mulberry School District	1	Carlton, Sara	ECE P-4	107	Grade 5/6 Endorsement (P-4)	09-10	Denied
5504	Murfreesboro School District	6	Bonner, Pam	Bldg. Adm. Elem, PE/Wellness/Leisure	299	Guidance & Counseling P-8	08-09, 09-10	Granted
			Jones, Traci	PE, Spec Ed	167	Social Studies 7-12	09-10	Granted
			Overby, Sarah	Vocal & Inst. Music 7-12	203	Vocal Music P-8	09-10	Granted
			Overby, Sarah	Vocal & Inst. Music 7-12	205	Instrumental Music P-8	09-10	Granted
			Stuard, Denise	MS Social Studies, Elem 1-6	002	English/Language/Social Studies 4-8	09-10	Granted
			Turley, Jay	Health, PE	167	Social Studies 7-12	08-09, 09-10	Granted
3105	Nashville School District	2	Couch, Holly	Bldg. Principal, English, Oral Communications	305	Gifted & Talented P-8	09-10	Granted
			Couch, Holly	Bldg. Principal, English, Oral Communications	306	Gifted & Talented 7-12	09-10	Granted
1503	Nemo Vista School District	5	Barnes, Rebecca	ECE P-4	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Payne, Kyle Brenden	PE, Health, Coaching	166	English/ Language/ Arts 7-12	09-10	Granted
			Pierce, Kristen	Social Studies	295	Library Media Science P-8	08-09, 09-10	Granted
			Williams, Rachel Erin	English	108	Journalism 7-12	09-10	Granted
			Worthen, Julie Kay	ECE P-4	230	Sp Education Instructional Specialist 4-12	09-10	Granted
4713	Osceola School District	4	McNeil, John J.	PE/Coaching, Science, MS Social Studies	169	Physical /Earth Science 7-12	09-10	Granted
			Perkins, Doris	Life/Earth Science, English, FACS, Bldg. Level Adm.,	169	Physical /Earth Science 7-12	09-10	Granted



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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
	Osceola School District Continued		Rhoads, Pam	Business Technology	300	Guidance & Counseling 7-12	07-08, 08-09, 09-10	Granted
			Wood, Tammy	Middle Level Education	209	Algebra I Endorsement 8	08-09, 09-10	Denied
			Green, Tami	ECE P-4	230	Sp Education Instructional Specialist 4-12	09-10	Granted
3005	Ouachita School District	4	Joslin, Jwan	French, FACS	166	English/ Language/ Arts 7-12	09-10	Denied
			Joslin, Jwan	French, FACS	108	Journalism 7-12	09-10	Denied
			Sandage, Crystal	FACS	169	Physical /Earth Science 7-12	09-10	Granted
6505	Ozark Mountain School District	2	Beeler, Cynthia	Elem K-6, ECE P-4	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Beeler, Cynthia	Elem K-6, ECE P-4	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
			Shaw, Haley	ECE P-4, 5th/6th Endorsement	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
2404 6205	Ozark School District Palestine-Wheatley Sch. Dist.	5	Baker, Leigh Ann	FACS, 4-8, 7-12	411	Career Orientation Endorsement 7-12	08-09, 09-10	Granted
			Buist, Dean	English 7-12	208	Drama/Speech 7-12	09-10	Granted
			Clarkson, Jadonna	Elem 1-6, Science 7-8	299	Guidance & Counseling P-8	09-10	Granted
			Luker, Mary E.	MS English, Art P-8	295	Library Media Science P-8	07-08, 08-09, 09-10	Granted
			Luker, Mary E.	MS English, Art P-8	296	Library Media Science 7-12	07-08, 08-09, 09-10	Granted
			Edwards, Char	Art P-12, English 5-8	305	Gifted & Talented P-8	08-09, 09-10	Granted
2808	Paragould School District	3	Edwards, Char	Art P-12, English 5-8	306	Gifted & Talented 7-12	08-09, 09-10	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
	Paragould School District Continued		Nicolle, Amber	ECE P-4		Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
7007	Parkers Chapel School Dist.	2	Rapp, Casey	Art P-12	305	Gifted & Talented P-8	08-09, 09-10	Granted
			Rapp, Casey	Art P-12	306	Gifted & Talented 7-12	08-09, 09-10	Granted
0407	Pea Ridge School District	4	Curtis, Shannon	Social Studies	168	Science/Mathematics 4-8	09-10	Denied
			Tiarks, Crystal	English 7-12	230	Sp Education Instructional Specialist 4-12	07-08, 08-08, 09-10	Granted
			Travis, Ronald	PE K-12	114	Speech Endorsement 7-12	09-10	Granted
			Wann, Christopher	Special Ed 4-12, PE 5-12	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
5303	Perryville School District	3	Brucks, Amanda	English	113	Drama Endorsement 7-12	08-09, 09-10	Denied
			Brucks, Amanda	English	114	Speech Endorsement 7-12	08-09, 09-10	Denied
			Brucks, Amanda	English	208	Drama/Speech 7-12	09-10	Granted
	Pinnacle Pointe/LRSD	1	Goodwin, Courtney	PE/Wellnes/Leisure	230	Sp Education Instructional Specialist 4-12	09-10	Denied
6103	Pocahontas School District	3	Jansen, Rebecca	English 7-12	167	Social Studies 7-12	09-10	Denied
			Kelly, David	Middle Level Education	170	Life/Earth Science 7-12	09-10	Granted
			Washburn, Amanda	Agriculture Science	169	Physical /Earth Science 7-12	09-10	Denied
5804	Pottsville School District	2	Hancock, Lynda	Elem, ECE P-4	305	Gifted & Talented P-8	08-09, 09-10	Granted
			Hancock, Lynda	Elem, ECE P-4	306	Gifted & Talented 7-12	08-09, 09-10	Granted
7310	Rose Bud School District	1	Verboon, Robert Powell	Vocational Agricultural Ed/ Biological Science	169	Physical /Earth Science 7-12	09-10	Granted
4204	Scranton School District	2	Cook, Kim	ECE P-4, Middle Level Education	305	Gifted & Talented P-8	08-09, 09-10	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
	Scranton School District Continued		Cook, Kim	ECE P-4, Middle Level Education	306	Gifted & Talented 7-12	08-09, 09-10	Granted
7340	Searcy School District	1	Farris, Sam	Social Studies 7-12	236	Physical Education, Wellness & Leisure 7-12	09-10	Denied
7104	Shirley School District	4	Pond, Marilyn	Social Studies, FACS, Marketing, Business	411	Career Orientation Endorsement 7-12	09-10	Granted
			Taylor, Shannon	ECE P-4, Elem K-6, Library Media :-12	305	Gifted & Talented P-8	09-10	Granted
			Taylor, Shannon	ECE P-4, Elem K-6, Library Media :-12	306	Gifted & Talented 7-12	09-10	Granted
			York, Rachel	Social Studies 7-12	166	English/ Language/ Arts 7- 12	09-10	Granted
0406	Siloam Springs School District	2	Howey, Ashley	Life/Earth Science	169	Physical /Earth Science 7-12	09-10	Granted
			Newton, Kim	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
3806	Sloan-Hendrix School Dist.	2	Phares, Shara	Elem 1-6, MS English	299	Guidance & Counseling P-8	08-09, 09-10	Granted
			Rorex, Clifford	Social Studies, PE/Wellness, Leisure, Coaching, Driver Education	313	Building Administrator 7-12	09-10	Granted
1507	So. Conway Co. School District	7	Andrews, LeAnn	English 7-12	230	Sp Education Instructional Specialist 4-12	09-10	Denied
			Bryant, Lisa	Secondary Principal, Special Education P-12	318	Curr Program Adm. Sp. Ed P- 4	08-09, 09-10	Granted
			Bryant, Lisa	Secondary Principal, Special Education P-12	319	Curr Program Adm Sp.Ed 4- 12	08-09, 09-10	Granted
			Maxell, Bridget	ECE P-4	107	Grade 5/6 Endorsement (P- 4)	08-09, 09-10	Granted
			Scroggins, Joseph	PE/Wellness/Leisure, Coaching	168	Science/Mathematics 4-8	09-10	Denied

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
4706	So. Conway Co. School District Continued	5	Wilson, Monica	ECE P-4, Elem 1-6	305	Gifted & Talented P-8	07-08, 08-09, 09-10	Denied
			Wilson, Monica	ECE P-4, Elem 1-6	306	Gifted & Talented 7-12	07-08, 08-09, 09-10	Denied
			Brown, Johnny	Industrial Technology	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Fleming, Tammy	Middle Level Education	209	Algebra I Endorsement 8	09-10	Granted
			Grahan, Ginger	Art P-12	2010	Survey of Fine Arts	09-10	Granted
2906	Spring Hill School District	1	Marshall, Janice	English 5-8, 7-12	295	Library Media Science P-8	09-10	Granted
			Marshall, Janice	English 5-8, 7-12	296	Library Media Science 7-12	09-10	Granted
				Business Technology, MS Social Studies, Elementary 1-6, MS Math			07-08, 08-09, 09-10	Granted
			Glass, Tammy	Health, PE, Science, Life/Earth Science	225	Business Technology 7-12	08-09, 09-10	Granted
			Huddleston, Bruce	MS Math, Elem 1-6, Elem Principal	104	Grade 5/6 Endorsement (Science)	08-09, 09-10	Granted
5206	Stephens School District	1	Jones, Portia	PE/Wellness/Leisure, Coaching	311	District Administrator P-12	09-10	Granted
7009	Strong-Huttig School District	11	Ball, Jamie	PE/Wellness/Leisure, Coaching	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Ball, Jamie	PE/Wellness/Leisure, Coaching	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
			Forga, Lora L	English 7-12	114	Speech Endorsement 7-12	09-10	Granted
			Goldsby, Barbara	ECE P-4	305	Gifted & Talented P-8	09-10	Granted
			Goldsby, Barbara	ECE P-4	306	Gifted & Talented 7-12	09-10	Granted
			Kyle, Shirley	Elementary 1-6, Reading P 12	305	Gifted & Talented P-8	08-09, 09-10	Granted
			Kyle, Shirley	Elementary 1-6, Reading P 12	306	Gifted & Talented 7-12	08-09, 09-10	Granted
			McCaughan, Lisa	English 7-12, Oral Communications 7-12	295	Library Media Science P-8	09-10	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
	Strong-Huttig School District Continued		McCaughan, Lisa	English 7-12, Oral Communications 7-12	296	Library Media Science 7-12	09-10	Granted
			McGill, Greg	Instrumental Music K-12, Special Education 4-12	203	Vocal Music P-8	08-09, 09-10	Denied
			McGill, Greg	Instrumental Music K-12, Special Education 4-12	204	Vocal Music 7-12	08-09, 09-10	Denied
			Clawson, Carol Jean	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
0104	Stuttgart School District	3	Gunnell, John Denton	PE/Wellness/Leisure, Coaching	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Yancey, Mary Katherine	Life/Earth Science, General Science	200	Mathematics 7-12	08-09, 09-10	Denied
4605	Texarkana School District	1	Fallin, Ashley	ECE P-4	002	English/Language/Social Studies 4-8	09-10	Denied
5605	Trumann School District	3	Hamilton, Crystal Montgomery, Michael	Elementary K-6	295	Library Media Science P-8	07-08, 08-09, 09-10	Granted
			Nance, Jay	Middle Level Education	114	Speech Endorsement 7-12	09-10	Granted
				Middle School Math/Science	209	Algebra I Endorsement 8	09-10	Denied
7510	Two Rivers School District	3	Johnson, Jessica	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
			Rhoades, Susan	ECE P-4, Middle Level Education	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
			Rhoades, Susan	ECE P-4, Middle Level Education	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
5704	Van Cove School District	5	Gray, Tracy	ECE P-4, 5th/6th Endorsement	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Gray, Tracy	ECE P-4, 5th/6th Endorsement	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
			Hall, Krissy	Elem K-6	235	Physical Education, Wellness & Leisure P-8	09-10	Denied
			Hall, Krissy	Elem K-6	305	Gifted & Talented P-8	09-10	Denied

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
	Van Cove School District Continued		Hall, Krissy	Elem K-6	306	Gifted & Talented 7-12	09-10	Denied
2307	Vilonia School District	2	Smith, Ramona	English 7-12, Oral Communications 7-12, Guidance Counseling 7-12	299	Guidance & Counseling P-8	09-10	Granted
			Wesbecher, Erin	Middle Level Education	230	Sp Education Instructional Specialist 4-12	09-10	Granted
0602	Warren School District	2	Busch, Matthew	Business Technology, Coaching	236	Physical Education, Wellness & Leisure 7-12	09-10	Granted
			McKinney, Laura	Art P-12	166	English/ Language/ Arts 7- 12	09-10	Granted
3509	Watson Chapel School District	8	Benjamin, Rosemary	General Science, Life/Earth Science	169	Physical /Earth Science 7-12	09-10	Granted
			Bobo, Sandy	Elementary 1-6	305	Gifted & Talented P-8	09-10	Granted
			Bobo, Sandy	Elementary 1-6	306	Gifted & Talented 7-12	09-10	Granted
			Brandon, Laura	ECE P-4	295	Library Media Science P-8	08-09, 09-10	Granted
			Brandon, Laura	ECE P-4	296	Library Media Science 7-12	08-09, 09-10	Granted
			Hall, Laverne	Social Studies	106	Grade 5/6 Endorsement	09-10	Granted
			Webb, Sylvia	General Science, Life/Earth Science, Chemistry	299	Guidance & Counseling P-8	09-10	Granted
			Webb, Sylvia	General Science, Life/Earth Science, Chemistry	300	Guidance & Counseling 7-12	09-10	Granted
5607	Weiner School District	2	Oppenheim, Lisa	Elementary 1-6	299	Guidance & Counseling P-8	09-10	Granted
			Oppenheim, Lisa	Elementary 1-6	300	Guidance & Counseling 7-12	09-10	Granted
7208	West Fork School District	2	Baughman, Clifford Paul	Elementary 1-6	230	Sp Education Instructional Specialist 4-12	09-10	Denied

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
	West Fork School District Continued		Waterson, Melissa	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
1803	West Memphis School District	4	Hearn, Annette	Business Technology	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
			Jones, Mauricia	Middle School Math	209	Algebra I Endorsement 8	09-10	Granted
			McFarland, Ruby	Elem 1-6, Special Ed P- 12, Reading Specialist	312	Building Administrator P-8	07-08, 08-09, 09-10	Granted
			McFarland, Ruby	Elem 1-6, Special Ed P- 12, Reading Specialist	313	Building Administrator 7-12	07-08, 08-09, 09-10	Granted
1204	West Side School District	1	Akers, Stacy	Elem 1-6, Special Ed P-4, MS Social Studies	230	Sp Education Instructional Specialist 4-12	09-10	Granted
7509	Western Yell Co. School Dist.	1	Catlett, Carla	Health 7-12, PE 7-12	235	Physical Education, Wellness & Leisure P-8	09-10	Granted
1602	Westside Cons. School District	3	Knight, Carla	Special Ed P-12, ECE P-4	318	Curr Program Adm. Sp. Ed P- 4	09-10	Granted
			Knight, Carla	Special Ed P-12, ECE P-4	319	Curr Program Adm Sp.Ed 4- 12	09-10	Granted
			Wyatt, Chelsea	ECE P-4	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Mars, Gina	Spanish, Social Studies, ESL	166	English/ Language/ Arts 7- 12	08-09, 09-10	Denied
3606	Westside School District	3	Smith, Robert	Social Studies	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Denied
			Watts, Jamia	Life/Earth Science	169	Physical /Earth Science 7-12	09-10	Denied
			Evans, Tiffany	ECE P-4	305	Gifted & Talented P-8	08-09, 09-10	Granted
			Evans, Tiffany	ECE P-4	306	Gifted & Talented 7-12	08-09, 09-10	Granted
3510	White Hall School District	4	Neal, Yvonne	Secondary PE	200	Mathematics 7-12	08-09, 09-10	Denied

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
	White Hall School District Continued		Powell, Tracey	Elementary 1-6	300	Guidance & Counseling 7-12 English/Language/Social Studies 4-8	09-10	Granted
5705	Wickes School District	1	Pearce, Sharrell	ECE P-4	002		09-10	Granted
1505	Wonderview School District	2	Jones, Cathy Simmons, Mark	Business Ed, GT, Library Media PE, Health, Coaching	230 167	Sp Education Instructional Specialist 4-12 Social Studies 7-12	07-08, 08-09, 09-10 09-10	Granted  Denied Denied
# School Districts Requesting Waivers this 123 month		500	Waivers Requested this month					
<div> <div>Total Waiverse Granted</div> <div>Total Waivers Denied</div> <div>Total Waiveres for month</div> </div> <div> <div>395</div> <div>105</div> <div>500</div> </div>								



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School Districts Requesting Long-Term Substitutes  
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LEA	District	# Waivers	Substitute Name	Subject	Teacher of Record	Granted / Denied
48-01	Brinkley School District	1	Meacham, Grant	English	Capps, Rick	Granted
36-01	Clarksville School District	1	Cogan, Brandy	Social Studies	Krohn, James	Granted
20-02	Fordyce School District	1	Humphrey, Dimples	English, Speech, Journalism	Hayes, Melissa	Granted
65-05	Ozark Mountain School District	2	Kenyon, Elizabeth	Mathematics	Langston, Evelyn	Granted
			Roberts, Yvette	Second Grade	Parks, Ashley	Granted
28-08	Paragould School District	2	Carpino, Christian	English	Castleberry, Amy	Granted
			Schalk, Michael	Mathematics	Dement, Tabatha	Granted
58-04	Pottsville School District	2	Bailey, David	Social Studies	Bailey, Shaun David	Granted
			Caudle, Howard	Special Education	Cioppa, Andy	Granted
04-05	Rogers School District	1	Fielding, Jennifer	English	Sims, Meredith	Granted
06-02	Warren School District	3	Davis, Mary	Second Grade	Murphy, Jessica	Granted
			Reep, Jonalyn	Business Technology	Sullivan, Oliver	Granted
			Starke, Mickie	Second Grade	McKinney, Elizabeth	Granted
<b>School Districts Requesting Waivers for Long-Term Substitutes for the month</b>		<b>13</b>	<b>Total Long-Term Substitutes Requested for the month</b>			
<b>8</b>					<b>Total Waivers Granted</b>	<b>13</b>
					<b>Total Waivers Denied</b>	<b>0</b>
					<b>Total Waivers Requested</b>	<b>13</b>

## **Section 1**

### **Revolving Loans to School Districts**

Pursuant to Arkansas Code Annotated § 6-20-802, school districts may borrow from the Revolving Loan Program for any of the following purposes:

- (1) Funding of its legally issued and outstanding postdated warrants;
- (2) Purchase of new or used school buses or refurbishing school buses;
- (3) Payment of premiums on insurance policies covering its school buildings, facilities, and equipment in instances where the insurance coverage extends three (3) years or longer; and replacement of or payment of the district's pro rata part of the expense of employing professional appraisers as authorized by § 26-26-1901 et seq. or other laws providing for the appraisal or reappraisal and assessment of property for ad valorem tax purposes;
- (4) Making major repairs and constructing additions to existing school buildings and facilities;
- (5) Purchase of surplus buildings and equipment;
- (6) Purchase of school sites for and the cost of construction thereon of school buildings and facilities and the purchase of equipment for the buildings;
- (7) Purchase of its legally issued and outstanding commercial bonds at a discount provided that a substantial savings in gross interest charges can thus be effected;
- (8) Refunding of all or any part of its legally issued and outstanding debt, both funded and unfunded;
- (9) Purchase of equipment;
- (10) Payment of loans secured for settlement resulting from litigation against a school district;
- (11) The purchase of energy conservation measures as defined in Title 6, Chapter 20, Subchapter 4; and
- (12) (A) The maintenance and operation of the school district in an amount equal to delinquent property taxes resulting from bankruptcies or receiverships of taxpayers and for loans to school districts in an amount equal to insured facility loss or damage when the insurance claim is being litigated or arbitrated.  
(B) For purposes of this subdivision, the loans become payable and due when the final settlement is made, and the loan limits prescribed by § 6-20-803 shall not apply.

The maximum amount a school district may borrow is \$500,000 (A. C. A. § 6-20-803). Revolving loans are limited to a term of ten (10) years (A. C. A. § 6-20-806).

**STATE BOARD OF EDUCATION MEETING  
OCTOBER 12, 2009  
APPLICATIONS FOR REVOLVING LOANS**

**REVOLVING LOAN APPLICATIONS:**

<b>1</b>	<b>Bus</b>	<b>\$</b>	<b>66,000.00</b>
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**SCHOOL DISTRICTS FINANCIAL TRANSACTIONS  
REVOLVING LOANS  
BUS  
RECOMMEND APPROVAL**

DISTRICT	COUNTY	ADM	AMOUNT OF APPLICATION	TOTAL DEBT W/THIS APPLICATION	PURPOSE
Nemo Vista	Conway	503	66,000	2,349,895	Purchasing a 2007 International 71-passenger bus.

## **Section 2**

### **Second Lien Bonds**

Arkansas Code Annotated § 6-20-1229 (b) states the following:

(b) All second-lien bonds issued by school districts shall have semi-annual interest payments with the first interest payment due within eight (8) months of the issuance of the second-lien bond. All second lien bonds shall be repaid on payment schedules that are either:

- (1) Equalized payments in which the annual payments are substantially equal in amount; or
- (2) Decelerated payments in which the annual payments decrease over the life of the schedule.

**STATE BOARD OF EDUCATION MEETING  
OCTOBER 12, 2009  
APPLICATIONS FOR COMMERCIAL BONDS**

**COMMERCIAL BOND APPLICATIONS:**

<b>4 2nd Lien</b>	<b>\$</b>	<b>10,835,000.00</b>
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**SCHOOL DISTRICTS FINANCIAL TRANSACTIONS  
COMMERCIAL BONDS  
2ND LIEN  
RECOMMEND APPROVAL**

<b>DISTRICT</b>	<b>COUNTY</b>	<b>ADM</b>	<b>AMOUNT OF APPLICATION</b>	<b>TOTAL DEBT W/THIS APPLICATION</b>	<b>PURPOSE</b>
Bauxite	Saline	1,386	1,220,000	11,247,636	Funding a portion of the cost to construct and equip the middle school (\$1,170,000) and cost of issuance and underwriter's discount allowance (\$50,000) with any remaining funds to be used for other capital projects and equipment purchases.
Jonesboro	Craighead	5,125	5,955,000	31,732,585	Building a fine arts building and renovating the existing auditorium into instructional space (\$5,795,000); cost of issuance and underwriter's discount allowance (\$160,000) with any remaining funds to be used for other capital projects and/or equipment purchases.
Magazine	Logan	552	1,560,000	6,637,159	Completion of a 7-12 multi-purpose facility and a safe room at the elementary school (\$1,504,560) and cost of issuance and underwriter's discount allowance (\$55,440) with any remaining funds to be used for constructing, refurbishing, remodeling, and equipping school facilities.
Mena	Polk	1,956	2,100,000	18,748,525	Erecting and equipping a safe room (\$2,031,600); cost of issuance and underwriter's discount allowance (\$68,400) with any remaining funds to be used for constructing, refurbishing, remodeling, and equipping school facilities.

### **Section 3**

#### **Voted Bonds**

Arkansas Code Annotated § 6-20-1201 states the following:

All school districts are authorized to borrow money and to issue negotiable bonds for the repayment thereof from school funds for the building and equipping of school buildings, for making additions and repairs thereto, for purchasing sites therefor, for purchasing new or used school buses, for refurbishing school buses, for the professional development and training of teachers or other programs authorized under the federally recognized Qualified Zone Academy Bond program, 26 U.S.C. §1397E, and for paying off outstanding postdated warrants, installment contracts, revolving loans, and lease-purchase agreements, as provided in this act.



**STATE BOARD OF EDUCATION MEETING  
OCTOBER 12, 2009  
APPLICATIONS FOR COMMERCIAL BONDS**

**COMMERCIAL BOND APPLICATIONS:**

<b>3 Voted</b>	<b>\$ 6,895,000.00</b>
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**SCHOOL DISTRICTS FINANCIAL TRANSACTIONS  
COMMERCIAL BONDS**

**VOTED  
RECOMMEND APPROVAL**

DISTRICT	COUNTY	ADM	AMOUNT OF APPLICATION	TOTAL DEBT W/THIS APPLICATION	PURPOSE
Cedarville	Crawford	937	2,600,000	4,017,359	Erecting and equipping new school facilities and making additions and improvements to existing facilities (\$2,516,800) and cost of issuance (\$83,200).
Hartford	Sebastian	378	1,200,000	1,224,085	Refunding the District's outstanding bonded indebtedness (\$230,000); paying off two installment contracts (\$165,403); erecting and equipping new school facilities and making additions and improvements to existing facilities (\$750,000) and cost of issuance (\$54,597).
Searcy	White	3,884	3,095,000	28,100,000	Building and equipping classrooms, a library, PE facility and computer lab at Southwest Middle Academy (\$3,000,000) and cost of issuance and underwriter's discount allowance (\$95,000) with any remaining funds to be used for other capital projects and equipment purchases.

**Concord School District**  
**LEA # 1201**  
**Cleburne County**

**Classified in Fiscal Distress**

April 21, 2008

**Fiscal Distress Indicators and Additional Concerns:**

- \* Projected ending balance in operating fund June 30, 2008, of \$148,510 (Based on trend analysis of prior three years)
- \* Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District
- \* FY06 the District refunded Title II-D Federal Funds in the amount of \$34,937

<b>District Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>David Burnley</b>	<b>David Burnley</b>	<b>Michael Davidson</b>	<b>Michael Davidson</b>
4 QTR ADM	540	498	545	484
Assessment	20,955,431	34,339,082	37,302,637	39,759,451
Total Mills	29.80	37.00	37.00	37.00
Total Debt Bond/Non Bond	1,001,377	2,511,628	2,436,937	2,342,034
Per Pupil Expenditures	8,525	8,590	8,102	NA
Personnel-Non-Fed Certified FTE	56.98	47.65	48.05	NA
Avg Salary-Non-Fed Cert Clsrm FTE	36,354	37,751	37,707	NA
Net Legal Balance (Excl Cat & QZAB)	391,608	177,896	405,366	1,116,631

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2008-09**

- Closed Wilburn Elementary campus at the end of the 2007-08 school year
- Reduced superintendent's salary
- Eliminated employee disability insurance benefit
- Reduced certified personnel by 3.75 FTE's through attrition and RIF
- Reduced classified personnel by 4 FTE's through RIF
- Eliminated various stipends and additional contracted days for certified employees
- Discontinued the use of an outside vendor for cleaning floors
- Eliminated 1 bus route
- Lease or sell Wilburn property
- Received additional revenue from oil and gas leases
- District received an ABC grant for the daycare program
- Monitor energy usage and consumption

**2009-10**

- Reduce media specialist contract from 200 to 190 days

District projected ending legal balance less categoricals & QZAB for the 2009-2010 school year: \$1,293,312

**Decatur School District  
LEA # 402  
Benton County**

**Classified in Fiscal Distress**

July 14, 2008

**Fiscal Distress Indicators and Additional Concerns:**

\* Following the 2006-07 school year, a declining balance determined to jeopardize the fiscal integrity of the District

\* Other fiscal conditions of the District seemed to have a detrimental impact on the continuation of educational services

<b>District Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>Mike Parrish</b>	<b>Mike Parrish</b>	<b>Dave Smith</b>	
4 QTR ADM	565	577	538	512
Assessment	39,142,540	41,103,865	44,870,460	46,007,725
Total Mills	40.00	40.00	39.90	39.90
Total Debt Bond/Non Bond	4,953,106	6,471,092	6,233,852	5,971,375
Per Pupil Expenditures	9,097	8,802	10,733	NA
Personnel-Non-Fed Certified FTE	53.17	43.77	49.25	NA
Avg Salary-Non-Fed Cert Clsrm FTE	36,354	45,139	37,263	NA
Net Legal Balance (Excl Cat & QZAB)	353,935	*1346212	62,709	801,757

\*2006-07 Net Legal Balance excludes expenditures that were not recorded on District books

**Background Information:**

- On July 31, 2008, the State Board of Education considered the request for the proposed annexation of the Decatur School District to a contiguous school district
- On August 1, 2008, the Department of Education assumed administrative control of the Decatur School District
- Manual checks written but not recorded on District books for 2006-07 and 2007-08 total approximately \$2.4 million
- Appears that bank accounts have not been reconciled since September 2005
- 941 Quarterly Tax Reports for the second quarter of 2007 which was due July 15, 2007, was not filed until June 2008
- 941 Quarterly Tax Reports for the first quarter of 2008 which was due April 15, 2008, was not filed until June 2008
- State taxes for the months of April and May 2008 were not paid to the Department of Finance and Administration until June 2008
- Amount of late fees, penalties and interest due to IRS and other entities is unknown

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2008-09**

- Reduced certified personnel by 2.5 FTE's through attrition and RIF
- Reduced classified personnel by 1.75 FTE's through attrition and RIF
- Renegotiated copier lease and removed one trash dumpster from contract
- Implemented district purchase order procedures
- Eliminated special services transportation and centralized bus stops
- Implemented energy savings procedures
- Utilized categorical and federal funds efficiently
- Replaced staff at a lower salary
- Utilized central office staff to segregate financial duties

**2009-10**

- Reduced certified personnel by 1 FTE through attrition
- Reduced classified personnel by 2.25 FTE's through RIF
- Reduced 15 contract days from 1 certified position
- Eliminated three \$1,000 stipends from certified personnel
- Closed 28,000 square feet of middle school for energy conservation

District projected ending legal balance less categoricals & QZAB for the 2009-2010 school year: \$702,911

**Gentry School District**  
**LEA # 403**  
**Benton County**

**Classified in Fiscal Distress**

April 21, 2008

**Fiscal Distress Indicators and Additional Concerns:**

- \* Projected negative ending balance June 30, 2008, of (\$254,225) (Based on trend analysis of prior three years)
- \* During fiscal years 2004, 2005, 2006 to present, the District obtained current loans to support district operations
- \* District utilized a \$1,250,000 cash flow loan for FY08

<b>District Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>Randy Barrett</b>	<b>Randy Barrett</b>	<b>Randy Barrett</b>	<b>Randy Barrett</b>
4 QTR ADM	1,454	1,441	1,433	1,417
Assessment	118,963,070	131,928,940	137,588,720	137,746,970
Total Mills	40.00	40.00	42.90	42.90
Total Debt Bond/Non Bond	13,020,000	12,325,000	11,605,000	10,865,000
Per Pupil Expenditures	7,305	8,110	8,209	NA
Personnel-Non-Fed Certified FTE	118.34	121.31	125.98	NA
Avg Salary-Non-Fed Cert Clsrm FTE	40,654	40,007	43,107	NA
Net Legal Balance (Excl Cat & QZAB)	470,553	*1,436,512	**1,423,206	1,410,476

\*2006-07 Net Legal Balance includes a \$1,250,000 cash flow loan

\*\*2007-08 Net Legal Balance includes a 1,250,000 cash flow loan

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2008-09**

- Approved 3 New Dedicated M & O Mills in September 2007 election
- Reduced contracted days of certified personnel
- Reduced certified personnel by 3 FTE's through RIF and attrition
- Reduced classified personnel by 7 FTE's through RIF and attrition
- Replaced certified positions at a reduced salary
- Required coaches to obtain CDL to transport athletes for local trips
- Reduced athletic department expenditures
- Increased paid meal prices in food service
- Received Microsoft Voucher refund
- Monitor energy usage and consumption
- Payoff a bond issued 4/01/02

District projected ending legal balance less categoricals & QZAB for the 2009-2010 school year: \$1,525,037

**Greenland School District**  
**LEA # 7204**  
**Washington County**

**Classified in Fiscal Distress**

April 21, 2008

**Fiscal Distress Indicators and Additional Concerns:**

- \* Projected negative in operating fund June 30, 2008, of (\$288,971) (Based on trend analysis of prior three years)
- \* Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District.
- \* FY06 Short Term loan in the amount of \$110,966
- \* FY07 Short Term loan in the amount of \$300,000
- \* FY08 Short Term loan in the amount of \$500,000
- \* Material state audit findings in FY06 and FY07
  - Errors on child nutrition applications
  - Errors in inventory records
  - Incorrectly recorded \$300,000 loan
- \* District refunded federal funds from Winslow

<b>District Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>Ronald Brawner</b>	<b>Ronald Brawner</b>	<b>Ronald Brawner</b>	<b>Roland Smith</b>
4 QTR ADM	931	942	905	805
Assessment	59,756,118	68,341,076	78,384,655	82,915,646
Total Mills	37.50	37.50	36.90	39.50
Total Debt Bond/Non Bond	6,387,080	6,227,612	5,913,851	7,175,872
Per Pupil Expenditures	8,611	8,598	8,068	NA
Personnel-Non-Fed Certified FTE	92.53	79.78	74.08	NA
Avg Salary-Non-Fed Cert Clsrm FTE	35,851	43,632	46,040	NA
Net Legal Balance (Excl Cat & QZAB)	905,289	143,701	*87534	683,139

\*\*2007-08 Net Legal Balance includes a 621,000 in cash flow loans.

**Background Information**

- On June 30, 2008, district utilized an additional short term loan in the amount of \$121,000. The total short term loan amount for FY08 is \$621,000
- On July 14, 2008, the State Board of Education considered the request for the proposed annexation of the Greenland School District to a contiguous school district
- On July 15, 2008, the Department of Education assumed administrative control of the Greenland School District

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2008-09**

- Reduced contracted days of certified and classified personnel
- Reduced certified personnel by 13 FTE's through RIF and attrition
- Reduced classified personnel by 8.5 FTE's through RIF and attrition
- Approved 2.6 New Debt Service Mills and bond restructure in the June 2008 election
- Sold used school buses and vehicles
- Utilized categorical and federal funds efficiently
- Eliminated employee benefits above the state minimum
- Eliminated track program, employee cell phones, I-Book payment, and dues
- Consolidated 2 bus routes
- Monitor energy usage and consumption
- Continue to monitor operational spending
- Conduct monthly town meetings
- City sales tax passed in election held March 10, 2009

District projected ending legal balance less categoricals & QZAB for the 2009-2010 school year: \$1,094,690

**Hartford School District**  
**LEA # 6604**  
**Sebastian County**

**Classified in Fiscal Distress**

April 21, 2008

**Fiscal Distress Indicators and Additional Concerns:**

- \* Projected ending balance in the operating fund June 30, 2008, of \$156,170 (Based on trend analysis of prior three years)
- \* Declining Fund balance for the past three years that could jeopardize the fiscal integrity of the District
- \* Material audit findings:
  - Coded installment loans as current year loans and did not pay off by required date
  - Loans and leases were not registered with Department as required by law in the amount of \$203,993.92

<b>District Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>John Hunt</b>	<b>Chris Rink</b>	<b>Chris Rink</b>	<b>Chris Rink</b>
4 QTR ADM	427	419	399	375
Assessment	18,557,695	22,078,770	24,795,349	26,781,005
Total Mills	39.30	39.30	39.30	39.30
Total Debt Bond/Non Bond	401,357	355,950	490,089	420,154
Per Pupil Expenditures	7,889	8,172	8,526	NA
Personnel-Non-Fed Certified FTE	44.01	42.50	42.18	NA
Avg Salary-Non-Fed Cert Clsrm FTE	36,570	38,969	37,578	NA
Net Legal Balance (Excl Cat & QZAB)	269,433	*355,515	337,632	341,361

\*2006-07 legal balance includes \$191,800 loan proceeds

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2008-09**

- Reduced certified personnel by 3 FTE's through RIF
- Replaced 3 certified positions at a reduced salary
- Replaced 3 classified positions at a reduced salary
- Reduced athletic stipends
- Implement APSCN purchase order system and establish clear procedures for bidding purchases
- Reduce transportation expenditures for athletic and field trips
- Monitor energy usage and consumption
- Monitor operational spending
- Eliminated bus cell phones
- Sell 1 school bus
- Utilized restricted funds more efficiently

**2009-10**

- Reduced certified personnel by 6 FTE's through RIF, attrition or reassignment
- Reduced athletic football expenses

District projected ending legal balance less categoricals & QZAB for the 2009-2010 school year: \$386,032

**Hermitage School District**  
**LEA # 0601**  
**Bradley County**

**Classified in Fiscal Distress**

April 21, 2008

**Fiscal Distress Indicators and Additional Concerns:**

\* Projected negative ending balance June 30, 2008, of (\$110,915) (Based on trend analysis of prior three years)

\* Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District

<b>District Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>John Jordan</b>	<b>John Jordan</b>	<b>John Jordan /Richard Rankin</b>	<b>Richard Rankin</b>
4 QTR ADM	502	525	522	495
Assessment	28,547,794	28,864,433	29,295,734	30,062,250
Total Mills	36.50	36.50	36.50	41.50
Total Debt Bond/Non Bond	4,623,657	4,671,798	5,160,328	5,368,728
Per Pupil Expenditures	9,745	8,753	8,036	NA
Personnel-Non-Fed Certified FTE	38.46	37.43	37.47	NA
Avg Salary-Non-Fed Cert Clsrm FTE	40,931	41,915	42,039	NA
Net Legal Balance (Excl Cat & QZAB)	407,820	77,060	324,871	434,010

**Background Information:**

\* District was classified in Facilities Distress July 22, 2008

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2008-09**

- Approved 5 new Debt Service Mills and restructured debt in the May 2008 election
- Eliminated employee benefits above the state minimum
- Collecting rent and utilities on homes owned by District
- Reduced superintendent's salary and discontinued paying housing, car, and travel
- Reduced certified personnel by 2 FTE's through attrition
- Reduced classified personnel by 9 FTE's through RIF and attrition
- Eliminated various stipends and additional pay for certified employees
- Reduced contracted days for certified personnel
- Eliminated administrators travel stipend
- Eliminated AmeriCorps and HIPPPY programs
- Monitor energy usage and consumption
- Increased paid meal prices in food service
- Sold timber and scrap metal
- Utilized restricted funds more efficiently
- Implemented Experience Works Program
- Proposed bond restructure in a special election to be held April 14, 2009
- Eliminated one bus route
- Restructured bonds and reduced bond payment and interest rate
- Received reimbursement for losses due to fraud

District projected ending legal balance less categoricals & QZAB for the 2009-2010 school year: \$893,049



**Mammoth Spring School District**  
**LEA # 2501**  
**Fulton County**

**Classified in Fiscal Distress**

April 13, 2009

**Fiscal Distress Indicators and Additional Concerns:**

\* A declining balance determined to jeopardize the fiscal integrity of the school district

<b>District Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>Ronald Taylor</b>	<b>Ronald Taylor</b>	<b>Ronald Taylor</b>	<b>Ronald Taylor</b>
4 QTR ADM	455	460	430	415
Assessment	23,782,717	24,174,822	24,695,997	26,577,019
Total Mills	30.00	30.00	30.00	35.00
Total Debt Bond/Non Bond	1,260,367	1,190,884	1,121,178	1,051,236
Per Pupil Expenditures	6,648	7,197	8,394	NA
Personnel-Non-Fed Certified FTE	40.25	41.35	51.08	NA
Avg Salary-Non-Fed Cert Clsrm FTE	33,924	36,582	31,296	NA
Net Legal Balance (Excl Cat & QZAB)	429,052	323,600	105,605	261,072

**Background Information:**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2009-10**

- Utilized Categorical funds more efficiently
- Utilized Federal funds more efficiently
- Reduce district bookkeeper to 11 month contract
- Eliminated interim teacher through RIF
- Eliminated the FY 08-09 one time East Lab Startup expenditure
- Monitor expenditures to reduce utility cost

**Other Information:**

- \* Passed 5.0 New M & O Mills in September 2008 election

District projected ending legal balance less categoricals & QZAB for the 2009-2010 school year: \$573,425

**Mansfield School District**  
**LEA # 6606**  
**Sebastian County**

**Classified in Fiscal Distress:** April 13, 2009

**Fiscal Distress Indicators and Additional Concerns:**

\* A declining balance determined to jeopardize the fiscal integrity of the school district

<b>District Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>Jim Hattabaugh</b>	<b>Jim Hattabaugh</b>	<b>Jim Hattabaugh</b>	<b>Jim Hattabaugh</b>
4 QTR ADM	1,071	1,022	984	982
Assessment	40,952,118	45,335,509	54,303,877	56,141,985
Total Mills	40.01	40.01	40.01	40.01
Total Debt Bond/Non Bond	10,027,493	9,884,807	9,738,338	9,953,913
Per Pupil Expenditures	7,253	7,806	8,727	NA
Personnel-Non-Fed Certified FTE	85.19	90.00	92.71	NA
Avg Salary-Non-Fed Cert Clsrm FTE	41,276	42,457	43,289	NA
Net Legal Balance (Excl Cat & QZAB)	899,008	611,812	242,458	*442,999

\*2008-09 Net Legal Balance includes a \$481,000 cash flow loan

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2009-10**

- Reduced certified personnel by 3 FTE's through RIF
- Reduced FTE partially for 4 certified FTE's
- Eliminated all dental benefits and plan/tuition reimbursement
- Reduced days of 10 certified staff with extended contracts
- Eliminated Department Chair stipends for 14 certified personnel
- Eliminated 7th grade athletic stipends for 9 certified personnel
- Reduced contract days for 13 bus driver positions
- Reduced classified personnel (cafeteria) by 7 FTE's through RIF
- Implement 4 day school week
- Monitor all expenditures
- Reduced all tuition reimbursement benefit
- Utilize categorical and federal funds efficiently
- Eliminate Paraprofessional position

**2010-11**

- Monitor all expenditures to remain within budget
- Monitor all expenditures related to 4 day school week
- Reduce cost through attrition and retirement
- Hire certified replacement staff at lower salaries
- Use Honeywell Energy Conserv. Program
- Reduce and regulate trips by Superintendent
- Judicial use of Stimulus Money
- Realign bus routes
- Reduce Life insurance

**Additional actions taken by District not in plan:**

- Reduced certified personnel 4 FTEs through RIF and attrition

District projected ending legal balance less categoricals & QZAB for the 2009-2010 school year: \$87,587

**Mineral Springs School District**  
**LEA # 3104**  
**Howard County**

**Classified in Fiscal Distress**

May 12, 2008

**Fiscal Distress Indicators and Additional Concerns:**

- \* Projected negative ending balance in operating fund June 30, 2008, of (\$316,275) (Based on trend analysis of prior three years)
- \* Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District
- \* Material state audit exceptions in FY06.

<b>District Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>Max Adcock</b>	<b>Max Adcock</b>	<b>Max Adcock</b>	<b>Max Adcock</b>
4 QTR ADM	610	572	526	515
Assessment	29,710,575	30,885,840	32,081,834	33,654,224
Total Mills	34.00	34.00	34.00	34.00
Total Debt Bond/Non Bond	2,571,078	2,662,535	2,539,306	2,407,491
Per Pupil Expenditures	9,108	9,362	9,803	NA
Personnel-Non-Fed Certified FTE	65.97	63.42	48.61	NA
Avg Salary-Non-Fed Cert Clsrm FTE	37,724	37,362	50,314	NA
Net Legal Balance (Excl Cat & QZAB)	497,559	393,220	447,214	683,667

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2008-09**

- Reduced certified personnel by 6 FTE's through attrition
- Reduced classified personnel by 7 FTE's through attrition
- Reduced bus trips for various school activities
- Monitor energy usage and consumption
- Utilized restricted funds more efficiently

**2009-10**

- Reduced certified personnel by 4 FTE's through attrition
- Reduced classified personnel by 1 FTE through attrition and reduction of FTE
- Monitor energy usage and consumption
- Utilize restricted funds more efficiently
- Reduce bus trips for various school activities
- Reduce salary expenditures when replacing open positions

District projected ending legal balance less categoricals & QZAB for the 2009-2010 school year: \$1,010,723

**Murfreesboro School District**  
**LEA # 5504**  
**Pike County**

**Classified in Fiscal Distress**

April 21, 2008

**Fiscal Distress Indicators and Additional Concerns:**

- \* Projected negative ending balance June 30, 2008, of (\$307,394) (Based on trend analysis of prior three years)
- \* The District borrowed \$400,000 (cash flow loan) September 2008 for operational expenses
- \* Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District

Profile:	2005-06	2006-07	2007-08	2008-09
<b>Superintendent</b>	<b>Bernie Hellums</b>	<b>Bernie Hellums</b>	<b>Bernie Hellums</b>	<b>Curtis Turner Jr.</b>
4 QTR ADM	516	513	507	503
Assessment	33,185,150	34,416,140	35,025,060	36,547,865
Total Mills	36.40	36.40	36.40	36.40
Total Debt Bond/Non Bond	3,770,000	3,690,000	3,610,000	3,525,000
Per Pupil Expenditures	7,814	8,012	8,319	NA
Personnel-Non-Fed Certified FTE	59.71	52.03	54.15	NA
Avg Salary-Non-Fed Cert Clsrm FTE	34,729	38,710	37,916	NA
Net Legal Balance (Excl Cat & QZAB)	436,193	304,294	3,663	174,905

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2008-09**

- Reduced certified personnel by 5.5 FTE's through attrition
- Reduced classified personnel by 4.5 FTE's through attrition
- Eliminated additional summer service contracts
- Reduced employee benefits above the state minimum
- Monitor energy usage and consumption
- Monitor copy machine usage and printing
- Utilize purchase order system
- Review all vendor contract
- Reduce and limit athletic/field trips
- Realign bus routes
- Passed 7.6 New M & O Mills in March 2009 election
- Reduce personnel by sharing staff with other districts

**2009-10**

Reduced Certified personnel by 1.4 FTE through RIF and attrition

Reduce salary expenditures with hiring for open positions

District projected ending legal balance less categoricals for the 2009-2010 school year: \$337,937

**Osceola School District**  
**LEA # 4713**  
**Mississippi County**

**Classified in Fiscal Distress:** April 13, 2009

**Fiscal Distress Indicators and Additional Concerns:**

\* A declining balance determined to jeopardize the fiscal integrity of the school district.

<b>District Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>Milton Washington</b>	<b>Milton Washington</b>	<b>Milton Washington</b>	<b>Milton Washington</b>
4 QTR ADM	1,574	1,531	1,537	1,558
Assessment	63,345,298	65,470,461	71,755,660	72,599,297
Total Mills	35.30	35.30	35.30	38.20
Total Debt Bond/Non Bond	4,620,000	6,775,000	6,620,000	10,390,000
Per Pupil Expenditures	8,599	9,198	10,132	NA
Personnel-Non-Fed Certified FTE	139.39	140.90	141.95	NA
Avg Salary-Non-Fed Cert Clsrm FTE	39,658	40,415	41,350	NA
Net Legal Balance (Excl Cat & QZAB)	2,180,317	1,239,688	711,540	1,236,178

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2008-09**

- Received funds from sale of land held by District
- Reduce transportation expenditures by reducing number of bus routes
- Monitor utility costs
- Reduce transportation expenditures by reducing number of bus routes
- Received funds from sale of lone bus and one car held by District

**2009-10**

- Reduced certified personnel by 4 FTE's through RIF
- Reduce 75% of extended day contracts
- Reduced certified salaries when hiring replacements for open positions
- Continuously monitor utility costs
- Reduce expenditures for security officers by reducing hours 50%
- Reduce staff when possible by monitoring student numbers
- Realign bus routes

**Other Information:**

- \* Passed 2.9 New DS Mills in September 2008 election

District projected ending legal balance less categoricals for the 2009-2010 school year: \$564,214

**Westside Consolidated School District**  
**LEA # 1602**  
**Craighead County**

**Classified in Fiscal Distress**

April 21, 2008

**Fiscal Distress Indicators and Additional Concerns:**

\* Projected negative balance in operating fund June 30, 2008, of (\$87,061) (Based on trend analysis of prior three years)

\* Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District

<b>District Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>James Best</b>	<b>James Best</b>	<b>James Best</b>	<b>James Best</b>
4 QTR ADM	1,640	1,646	1,620	1,614
Assessment	82,213,382	84,095,694	86,907,891	93,193,486
Total Mills	32.17	32.17	32.17	32.17
Total Debt Bond/Non Bond	7,208,587	7,414,915	7,108,494	6,790,553
Per Pupil Expenditures	7,135	7,637	7,508	NA
Personnel-Non-Fed Certified FTE	123.36	129.77	128.50	NA
Avg Salary-Non-Fed Cert Clsrm FTE	38,271	39,196	39,451	NA
Net Legal Balance (Excl Cat & QZAB)	867,253	219,688	520,681	1,296,524

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2008-09**

- Reduced certified personnel by 3 FTE's through attrition and RIF
- Reduced classified personnel by 14 FTE's through attrition
- Consolidated 2 bus routes
- Proposed 2.83 Mill (1.0 M & O and 1.83 Debt service) increase in September 2008 election; Millage failed
- Discontinued renting 2 portable classroom buildings
- Utilized restricted funds more efficiently
- Eliminated landscaping contract
- Reduce certified personnel by 3 FTE's for the 2009-2010 school year
- Restructure maintenance department
- Eliminate additional contracted days for certified and classified employees for the 2009-2010 school year
- Rescind approved Academic Facilities Partnership funds

**2009-10**

- Reduced classified expenditures but reducing contract days for SRO, Security Director, and Technology Director
- Reduced classified expenditures by reducing salary for Maintenance Director
- Reduced certified salary expenditures by changing sick pay policy
- Reduce certified & classified salary expenditures by giving no increases

District projected ending legal balance less categoricals & QZAB for the 2009-2010 school year: \$1,263,598

Special Report  
Hermitage School District  
Facility Distress

Ark. Code Ann. § 6-21-811, Academic Facilities Distress Program is a program designed to identify any school district that has engaged in actions or inactions that result in any act or violation determined by the Division to jeopardize any academic facility used by a public school district. With Commission confirmation, the Division will implement corrective measures requiring the school district to develop a plan to correct the deficiencies and other administrative measures to preclude any further instances that could jeopardize the facilities.

Should the Division determine that to secure and protect the best interest of the educational resources of the state or to provide for the best interest of the students in the school district, it may petition the State Board of Education for the consolidation, annexation or reconstitution of a school district. The State Board of Education may approve the petition or take other action deemed appropriate. The State Board of Education shall consolidate, annex or reconstitute any school district that fails to remove itself from the classification of a school district in facility distress within two (2) consecutive years of its designation.

This report is pursuant to Ark. Code Ann. § 6-21-811(i) which states; *"The division shall submit a written evaluation on the status of each school district in facility distress to the commission and the state board at least one (1) time every six (6) months"*.

In July 2008 the Division of Public School Academic Facilities and Transportation (Division) recommended and the Commission for Public School Academic Facilities and Transportation (Commission) concurred on the action taken by the Division to place the Hermitage School District in facility distress.

The decision and designation of facility distress was as a result of violations of the following statutes;

6 – 21 – 811 (a)(1)(B): *Material violation of local, state, or Federal fire, health, or safety code provisions or laws.*

*6 – 21 – 811 (a)(1)(E): Material failure to comply with state law governing purchasing or bid requirements in relation to academic facilities projects.*

The basis of this decision was evidence that the Hermitage School District had constructed projects under the Bonded Debt Assistance Program and Academic Facilities Transitional Program, which were found to have been constructed in violation of local, state, fire, health and safety provisions and applicable building codes. This determination was made following inspections by the Facility Division, and other state of Arkansas Departments.

It was additionally revealed, as a result of an audit conducted by a Legislative Audit team, that during the course of construction of the afore mentioned projects, that the Hermitage School District violated state procurement laws to wit; laws pertaining to bidding, open bidding procedures, contract award, and bonding.

In accepting the recommendation of the Division, the Commission concurred that the Hermitage School District be placed in the status of Academic Facilities Distress and that the following corrective measures, as identified by Arkansas Code Ann. §6-21-811 be initiated to correct this situation;

1. §6-21-811 (c)(1); *“A public school or school district identified as being in facilities distress shall develop a facilities improvement plan within thirty (30) days from the date of receipt of the notice and promptly submit the facilities improvement plan to the division for review and approval”.*

2. §6-21-811 (f)(1); *“The Division will provide onsite technical evaluation and assistance and make recommendations to the school district superintendent regarding the care and maintenance of the academic facility in the school district”.*

3. §6-21-811 (f)(10); *“The division shall notify the public school or school district in writing that the deficiencies regarding academic facilities shall be corrected within a time period designated by the division”.*



4. §6-21-811 (f)(14); *“The division shall take any other action allowed by law that is deemed necessary to assist a public school or school district in removing criteria of facilities distress”.*

5. The Division, in notifying the Hermitage School District of the Commission’s determination, will so advise the school district of other applicable parameters of the law.

Over the past six (6) months the Hermitage School District has met every requirement of their Improvement Plan;

1. The improvement plan was submitted in accordance with statute and Division instructions.
2. Target dates for correction of all construction deficiencies have been met. Corrective action has been field verified through inspections by the Division, The Arkansas Department of Health, The State Fire Marshal and local code officials.
3. A contracting and procurement plan has been written and reviewed by the Division and is under review by the Department of Finance and Administration.
4. School district board members and district personnel training is scheduled, per the Improvement Plan, for February 2009.

The school district was instructed that when they completed all the facets of their Improvement Plan, it will be certified by the Division. The district may, at that time, petition the Commission for release from the Facility Distress designation.

This request was filed by the school district on September 23, 2009 and was released from Facility Distress by the Commission an that date.

There is no recommendation for which the State Board must act pertaining to this report.

**Concord School District**  
**LEA # 1201**  
**Cleburne County**

**Classified in Fiscal Distress**

April 21, 2008

**Fiscal Distress Indicators and Additional Concerns:**

- \* Projected ending balance in operating fund June 30, 2008, of \$148,510 (Based on trend analysis of prior three years)
- \* Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District
- \* FY06 the District refunded Title II-D Federal Funds in the amount of \$34,937

<b>District Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>David Burnley</b>	<b>David Burnley / Michael Davidson</b>	<b>Michael Davidson</b>	<b>Michael Davidson</b>
4 QTR ADM	540	498	545	484
Assessment	20,955,431	34,339,082	37,302,637	39,759,451
Total Mills	29.80	37.00	37.00	37.00
Total Debt Bond/Non Bond	1,001,377	2,511,628	2,436,937	2,342,034
Per Pupil Expenditures	8,525	8,590	8,102	NA
Personnel-Non-Fed Certified FTE	56.98	47.65	48.05	NA
Avg Salary-Non-Fed Cert Clsrm FTE	36,354	37,751	37,707	NA
Net Legal Balance (Excl Cat & QZAB)	391,608	177,896	405,366	1,116,631

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2008-09**

- Closed Wilburn Elementary campus at the end of the 2007-08 school year
- Reduced superintendent's salary
- Eliminated employee disability insurance benefit
- Reduced certified personnel by 3.75 FTE's through attrition and RIF
- Reduced classified personnel by 4 FTE's through RIF
- Eliminated various stipends and additional contracted days for certified employees
- Discontinued the use of an outside vendor for cleaning floors
- Eliminated 1 bus route
- Lease or sell Wilburn property
- Received additional revenue from oil and gas leases
- District received an ABC grant for the daycare program
- Monitor energy usage and consumption

**2009-10**

- Reduce media specialist contract from 200 to 190 days

District projected ending legal balance less categoricals & QZAB for the 2009-2010 school year: \$1,293,312



# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Diana Julian  
Interim Commissioner

September 25, 2009

**State Board  
of Education**

Dr. Naccaman Williams  
Springdale  
Chair

Jim Cooper  
Melbourne  
Vice Chair

Sherry Burrow  
Jonesboro

Brenda Gullett  
Fayetteville

Sam Ledbetter  
Little Rock

Alice Mahony  
El Dorado

Dr. Ben Mays  
Clinton

Dr. Mike Davidson  
Concord School District  
P.O. Box 10  
Concord, AR 72523

Dear Dr. Davidson:

This letter is to certify that the Concord School District has completed all activities and strategies as outlined in the District's Fiscal Distress Improvement Plan. The District has also complied with all department recommendations and requirements for removal from Fiscal Distress. The District may now petition the State Board for removal from Fiscal Distress status. The petition should be sent to Ms. Hazel Burnett at the address provided below. The petition will be presented to the State Board at the October 12, 2009 meeting. Please plan to attend this meeting and be prepared to answer any questions the State Board may have concerning your District and its programs.

We congratulate the Concord School District and encourage continued diligence to sustain this improvement.

Sincerely,

Hazel Burnett,  
ADE Coordinator,  
Fiscal Distress Accountability and Reporting  
Four Capitol Mall, Room 105-C  
Little Rock, AR 72201

HB:ddm

cc: Dr. Tom Kimbrell, Arkansas Department Education Commissioner  
Dr. Diana Julian, Deputy Commissioner  
Mr. William J. Goff

Four Capitol Mall  
Little Rock, AR  
72201-1019  
(501) 682-4475  
ArkansasEd.org

# Concord Public School

## School Board

Tim Southerland, President  
Chris Roark, Vice President  
Lanny Brackett, Secretary  
Terri Cornett  
Trena Martin  
Mitchell Reed  
Rose Sparks

P.O. Box 10

**Concord, Arkansas 72523**

**Phone: (870)668-3844 Fax: (870)668-3380**

## Administration

Superintendent  
Michael Davidson, Ed. D.  
Concord High School Principal,  
Michael Brinkley  
Concord Elementary Principal  
Sandy Brackett

September 25, 2009

RECEIVED

SEP 29 2009

Dr. Tom Kimbrell, Commissioner and  
the State Board of Education  
Arkansas Department of Education  
Four Capitol Mall, 304-A  
Little Rock, Arkansas 72201

Financial Accountability and  
Reporting

Dear Dr. Kimbrell and Board Members,

This letter is to petition State Board of Education to remove the Concord School District from Fiscal Distress status. The district has complied with all department recommendations and requirements for removal from Fiscal Distress.

Because of the work of the Concord Board of Education, teachers, administrators, and the Department of Education the Concord School District has made tremendous progress in the way funds are expended and our ending balance. The district will pledge to be very diligent in the future to make sure this situation does not reoccur and to provide our students with the best education possible.

The district would especially like to thank Ms. Hazel Burnett and Ms. Alisa Moore for their guidance from the Department of Education. They were a tremendous asset to the district in helping us through this salutation.

Sincerely,



Michael Davidson, Ed. D.  
Superintendent  
Concord School District  
Concord, Arkansas

**Gentry School District**  
**LEA # 403**  
**Benton County**

**Classified in Fiscal Distress**

April 21, 2008

**Fiscal Distress Indicators and Additional Concerns:**

- \* Projected negative ending balance June 30, 2008, of (\$254,225) (Based on trend analysis of prior three years)
- \* During fiscal years 2004, 2005, 2006 to present, the District obtained current loans to support district operations
- \* District utilized a \$1,250,000 cash flow loan for FY08

<b>District Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>Randy Barrett</b>	<b>Randy Barrett</b>	<b>Randy Barrett</b>	<b>Randy Barrett</b>
4 QTR ADM	1,454	1,441	1,433	1,417
Assessment	118,963,070	131,928,940	137,588,720	137,746,970
Total Mills	40.00	40.00	42.90	42.90
Total Debt Bond/Non Bond	13,020,000	12,325,000	11,605,000	10,865,000
Per Pupil Expenditures	7,305	8,110	8,209	NA
Personnel-Non-Fed Certified FTE	118.34	121.31	125.98	NA
Avg Salary-Non-Fed Cert Clsrm FTE	40,654	40,007	43,107	NA
Net Legal Balance (Excl Cat & QZAB)	470,553	*1,436,512	**1,423,206	1,410,476

\*2006-07 Net Legal Balance includes a \$1,250,000 cash flow loan

\*\*2007-08 Net Legal Balance includes a 1,250,000 cash flow loan

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2008-09**

- Approved 3 New Dedicated M & O Mills in September 2007 election
- Reduced contracted days of certified personnel
- Reduced certified personnel by 3 FTE's through RIF and attrition
- Reduced classified personnel by 7 FTE's through RIF and attrition
- Replaced certified positions at a reduced salary
- Required coaches to obtain CDL to transport athletes for local trips
- Reduced athletic department expenditures
- Increased paid meal prices in food service
- Received Microsoft Voucher refund
- Monitor energy usage and consumption
- Payoff a bond issued 4/01/02

District projected ending legal balance less categoricals & QZAB for the 2009-2010 school year: \$1,525,037





# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Diana Julian  
Interim Commissioner

September 25, 2009

State Board  
of Education

Dr. Naccaman Williams  
Springdale  
Chair

Jim Cooper  
Melbourne  
Vice Chair

Sherry Burrow  
Jonesboro

Brenda Gullett  
Fayetteville

Sam Ledbetter  
Little Rock

Alice Mahony  
El Dorado

Dr. Ben Mays  
Clinton

Dr. Randy Barrett  
Gentry School District  
201 South Giles  
Gentry, AR 72734

Dear Dr. Barrett:

This letter is to certify that the Gentry School District has completed all activities and strategies as outlined in the District's Fiscal Distress Improvement Plan. The District has also complied with all department recommendations and requirements for removal from Fiscal Distress. The District may now petition the State Board for removal from Fiscal Distress status. The petition should be sent to Ms. Hazel Burnett at the address provided below. The petition will be presented to the State Board at the October 12, 2009 meeting. Please plan to attend this meeting and be prepared to answer any questions the State Board may have concerning your District and its programs.

We congratulate the Gentry School District and encourage continued diligence to sustain this improvement.

Sincerely,

Hazel Burnett,  
ADE Coordinator,  
Fiscal Distress Accountability and Reporting  
Four Capitol Mall, Room 105-C  
Little Rock, AR 72201

HB:ddm

cc: Dr. Tom Kimbrell, Arkansas Department Education Commissioner  
Dr. Diana Julian, Deputy Commissioner  
Mr. William J. Goff

Four Capitol Mall  
Little Rock, AR  
72201-1019  
(501) 682-4475  
ArkansasEd.org

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# Gentry Public Schools



Dr. Randy C. Barrett, Superintendent  
201 South Giles Avenue  
Gentry, Arkansas 72734

Telephone: 479-736-2253 Fax: 479-736-2245 e-Mail: [drbarrett@gentry2.nwsc.k12.ar.us](mailto:drbarrett@gentry2.nwsc.k12.ar.us)

September 25, 2009

Dr. Tom Kimbrell, Commissioner  
Arkansas Department of Education  
4 State Capitol Mall, Room 304-A  
Little Rock, Arkansas 72201

RECEIVED

SEP 29 2009

Financial Accountability and  
Reporting

Dear Dr. Kimbrell and the Arkansas State Board of Education:

On behalf of the Gentry School Board and the Gentry Public School District and in accordance with the provisions of A.C.A. 6-20-1908(c), I respectfully request that the Gentry Public School District be "removed from fiscal distress status".

Our relatively short "turn around" can be attributed to several factors and are summarized briefly as follows:

- the passage, by our parents and patrons, of 3 dedicated M&O mills in September 2007
- the conclusion of a major building program, Gentry Primary School, which had been "cash intensive"
- the joint creation of a stringent, *Fiscal Distress Improvement Plan* by district staff, school board members, and ADE officials
- the implementation of that *Fiscal Distress Improvement Plan*
- the willingness of staff to follow the *Fiscal Distress Improvement Plan* even if such required personal sacrifice
- the implementation of a process of continuous fiscal monitoring by district staff
- the encouragement, support, and expertise of ADE officials
- the continual encouragement and support of the Gentry community

It is important for me to note, in appreciation to our district's instructional staff, that through this process our four campuses remain fully accredited by NCA-CASI, all four campuses remain fully accredited by the ADE, all four campuses hold the "Ach" AYP status, and state test data reflects that Gentry students, in general, are achieving at, or in many cases exceeding, state and regional averages.

I would be remiss if I did not finish this request by offering my personal word of thanks to Ms. Hazel Burnett, Ms. Alisa Moore, and Mr. Bill Goff for their committed and untiring efforts in working with the Gentry Public School District to help us achieve and maintain fiscal solvency for the present and the future.

Sincerely,

Randy C. Barrett, Ed.D.  
Superintendent, Gentry Public School District

***The mission of the Gentry School District is to work with the community in providing safe and successful experiences for each student.***

**Hartford School District**  
**LEA # 6604**  
**Sebastian County**

**Classified in Fiscal Distress**

April 21, 2008

**Fiscal Distress Indicators and Additional Concerns:**

- \* Projected ending balance in the operating fund June 30, 2008, of \$156,170 (Based on trend analysis of prior three years)
- \* Declining Fund balance for the past three years that could jeopardize the fiscal integrity of the District
- \* Material audit findings:
  - Coded installment loans as current year loans and did not pay off by required date
  - Loans and leases were not registered with Department as required by law in the amount of \$203,993.92

<b>District Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>John Hunt</b>	<b>Chris Rink</b>	<b>Chris Rink</b>	<b>Chris Rink</b>
4 QTR ADM	427	419	399	375
Assessment	18,557,695	22,078,770	24,795,349	26,781,005
Total Mills	39.30	39.30	39.30	39.30
Total Debt Bond/Non Bond	401,357	355,950	490,089	420,154
Per Pupil Expenditures	7,889	8,172	8,526	NA
Personnel-Non-Fed Certified FTE	44.01	42.50	42.18	NA
Avg Salary-Non-Fed Cert Clsrm FTE	36,570	38,969	37,578	NA
Net Legal Balance (Excl Cat & QZAB)	269,433	*355,515	337,632	341,361

\*2006-07 legal balance includes \$191,800 loan proceeds

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2008-09**

- Reduced certified personnel by 3 FTE's through RIF
- Replaced 3 certified positions at a reduced salary
- Replaced 3 classified positions at a reduced salary
- Reduced athletic stipends
- Implement APSCN purchase order system and establish clear procedures for bidding purchases
- Reduce transportation expenditures for athletic and field trips
- Monitor energy usage and consumption
- Monitor operational spending
- Eliminated bus cell phones
- Sell 1 school bus
- Utilized restricted funds more efficiently

**2009-10**

- Reduced certified personnel by 6 FTE's through RIF, attrition or reassignment
- Reduced athletic football expenses

District projected ending legal balance less categoricals & QZAB for the 2009-2010 school year: \$386,032





# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Diana Julian  
Interim Commissioner

September 25, 2009

**State Board  
of Education**

Dr. Naccaman Williams  
Springdale  
Chair

Jim Cooper  
Melbourne  
Vice Chair

Sherry Burrow  
Jonesboro

Brenda Gullett  
Fayetteville

Sam Ledbetter  
Little Rock

Alice Mahony  
El Dorado

Dr. Ben Mays  
Clinton

Mr. Chris Rink  
Hartford School District  
508 W. Main  
Hartford, AR 72938

Dear Mr. Rink:

This letter is to certify that the Hartford School District has completed all activities and strategies as outlined in the District's Fiscal Distress Improvement Plan. The District has also complied with all department recommendations and requirements for removal from Fiscal Distress. The District may now petition the State Board for removal from Fiscal Distress status. The petition should be sent to Ms. Hazel Burnett at the address provided below. The petition will be presented to the State Board at the October 12, 2009 meeting. Please plan to attend this meeting and be prepared to answer any questions the State Board may have concerning your District and its programs.

We congratulate the Hartford School District and encourage continued diligence to sustain this improvement.

Sincerely,

Hazel Burnett,  
ADE Coordinator,  
Fiscal Distress Accountability and Reporting  
Four Capitol Mall, Room 105-C  
Little Rock, AR 72201

HB:ddm

cc: Dr. Tom Kimbrell, Arkansas Department Education Commissioner  
Dr. Diana Julian, Deputy Commissioner  
Mr. William J. Goff

Four Capitol Mall  
Little Rock, AR  
72201-1019  
(501) 682-4475  
ArkansasEd.org

**Hartford Public Schools  
District 94  
508 West Main Street  
Hartford, Arkansas 72938**

**Board of Directors**

President – Roy Pickle  
Vice President – Nancy Mixon  
Secretary – Gary Ford  
Member – Chad Gentry  
Member – Steven Layne

**Administration**

D. Chris Rink, Superintendent  
479-639-5002  
David Lee, High School Principal  
479-639-2239  
Alan Anderson, Elementary Principal  
479-639-2831  
Angie Michael, Treasurer/Bookkeeper  
479-639-2910

28 September 2009

Dr. Tom Kimbrell, Commissioner and  
State Board of Education  
Arkansas Department of Education  
#4 State Capitol Mall, Room 304-A  
Little Rock, AR 72201-1071

RECEIVED  
SEP 30 2009  
Financial Accountability and  
Reporting

RE: Petition for removal from fiscal distress – Hartford Public Schools

Dear Dr. Kimbrell, State School Board Chairman, and Members of the State School Board:

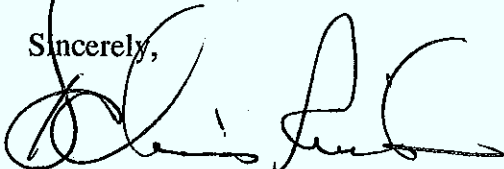
Pursuant to a letter from Fiscal Distress Accountability and Reporting received by the district on 25 September 2009, the Hartford Public Schools hereby petitions the State Board of Education for removal from fiscal distress. This has been a process that has helped us learn to be more fiscally responsible and become knowledgeable in additional ways to safe-guard the financial integrity of the Hartford Public Schools.

The local Hartford School Board has endorsed this petition with a resolution requesting removal from fiscal distress and further is planning to attend the 12 October 2009 State School Board meeting in Little Rock at least in part as a means of showing our willingness to continue our efforts to maintain positive fiduciary control of the district. Our board president will not be able to attend as he will be in Oklahoma City for his last round of chemotherapy. I believe we will have at least two board members present and I will also be in attendance.

The district has completed all activities and strategies outlined in our Fiscal Distress Plan of Improvement and we have also complied with all department recommendations and requirements for removal from fiscal distress.

Therefore, it is my humble honor to officially petition you for removal from the state fiscal distress list. We will continue due diligence in order to sustain the improvements that we have made. Should you have any questions, please contact me at the above address or phone. I stand ready to assist you to the best of my ability.

Sincerely,



D. Chris Rink, Ed.S.  
Superintendent of Schools

**Hermitage School District**  
**LEA # 0601**  
**Bradley County**

**Classified in Fiscal Distress**

April 21, 2008

**Fiscal Distress Indicators and Additional Concerns:**

- \* Projected negative ending balance June 30, 2008, of (\$110,915) (Based on trend analysis of prior three years)
- \* Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District

<b>District Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>John Jordan</b>	<b>John Jordan</b>	<b>John Jordan /Richard Rankin</b>	<b>Richard Rankin</b>
4 QTR ADM	502	525	522	495
Assessment	28,547,794	28,864,433	29,295,734	30,062,250
Total Mills	36.50	36.50	36.50	41.50
Total Debt Bond/Non Bond	4,623,657	4,671,798	5,160,328	5,368,728
Per Pupil Expenditures	9,745	8,753	8,036	NA
Personnel-Non-Fed Certified FTE	38.46	37.43	37.47	NA
Avg Salary-Non-Fed Cert Clsrm FTE	40,931	41,915	42,039	NA
Net Legal Balance (Excl Cat & QZAB)	407,820	77,060	324,871	434,010

**Background Information:**

- \* District was classified in Facilities Distress July 22, 2008

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2008-09**

- Approved 5 new Debt Service Mills and restructured debt in the May 2008 election
- Eliminated employee benefits above the state minimum
- Collecting rent and utilities on homes owned by District
- Reduced superintendent's salary and discontinued paying housing, car, and travel
- Reduced certified personnel by 2 FTE's through attrition
- Reduced classified personnel by 9 FTE's through RIF and attrition
- Eliminated various stipends and additional pay for certified employees
- Reduced contracted days for certified personnel
- Eliminated administrators travel stipend
- Eliminated AmeriCorps and HIPPO programs
- Monitor energy usage and consumption
- Increased paid meal prices in food service
- Sold timber and scrap metal
- Utilized restricted funds more efficiently
- Implemented Experience Works Program
- Proposed bond restructure in a special election to be held April 14, 2009
- Eliminated one bus route
- Restructured bonds and reduced bond payment and interest rate
- Received reimbursement for losses due to fraud

District projected ending legal balance less categoricals & QZAB for the 2009-2010 school year: \$893,049



# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Diana Julian  
Interim Commissioner

September 25, 2009

**State Board  
of Education**

Dr. Naccaman Williams  
Springdale  
Chair

Jim Cooper  
Melbourne  
Vice Chair

Sherry Burrow  
Jonesboro

Brenda Gullett  
Fayetteville

Sam Ledbetter  
Little Rock

Alice Mahony  
El Dorado

Dr. Ben Mays  
Clinton

Mr. Richard Rankin  
Hermitage School District  
P.O. Box 38  
Hermitage, AR 71647

Dear Mr. Rankin:

This letter is to certify that the Hermitage School District has completed all activities and strategies as outlined in the District's Fiscal Distress Improvement Plan. The District has also complied with all department recommendations and requirements for removal from Fiscal Distress. The District may now petition the State Board for removal from Fiscal Distress status. The petition should be sent to Ms. Hazel Burnett at the address provided below. The petition will be presented to the State Board at the October 12, 2009 meeting. Please plan to attend this meeting and be prepared to answer any questions the State Board may have concerning your District and its programs.

We congratulate the Hermitage School District and encourage continued diligence to sustain this improvement.

Sincerely,

Hazel Burnett,  
ADE Coordinator,  
Fiscal Distress Accountability and Reporting  
Four Capitol Mall, Room 105-C  
Little Rock, AR 72201

HB:ddm

cc: Dr. Tom Kimbrell, Arkansas Department Education Commissioner  
Dr. Diana Julian, Deputy Commissioner  
Mr. William J. Goff

Four Capitol Mall  
Little Rock, AR  
72201-1019  
(501) 682-4475  
ArkansasEd.org

**HERMITAGE PUBLIC SCHOOLS**

**OFFICE OF THE SUPERINTENDENT**

**310 NORTH SCHOOL DRIVE**

**P. O. BOX 38**

**HERMITAGE, ARKANSAS 71647**

**TELEPHONE (870) 463-2246**

**FAX (870) 463-8520**

**BOARD OF DIRECTORS**

Russell Richard  
Mike Colvin  
Albert Broughton  
Mary Hamilton  
Harold Hampton  
David Dees  
Jeffrey Wardlaw

**SUPERINTENDENT OF SCHOOLS**

**Richard Rankin**

**RECEIVED**

**SEP 28 2009**

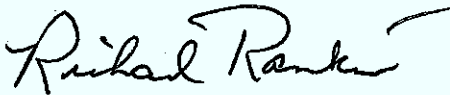
*Financial Accountability and  
Reporting*

**September 25, 2009**

**To: Dr. Tom Kimbrell, Commissioner and the State Board of Education  
Arkansas Department of Education  
Four Capitol Mall, 304-A  
Little Rock, AR 72201**

The Hermitage School District is petitioning the State Board of Education to be released from Fiscal Distress. The district has complied with all department recommendations and requirements for removal from Fiscal Distress. We have a letter to certify that the district has completed all activities and strategies as outlined in the District's Fiscal Distress Improvement Plan.

**Sincerely,**



**Richard Rankin  
Superintendent  
Hermitage School District**

**Mammoth Spring School District**  
**LEA # 2501**  
**Fulton County**

**Classified in Fiscal Distress**

April 13, 2009

**Fiscal Distress Indicators and Additional Concerns:**

\* A declining balance determined to jeopardize the fiscal integrity of the school district

District Profile:	2005-06	2006-07	2007-08	2008-09
<b>Superintendent</b>	<b>Ronald Taylor</b>	<b>Ronald Taylor</b>	<b>Ronald Taylor</b>	<b>Ronald Taylor</b>
4 QTR ADM	455	460	430	415
Assessment	23,782,717	24,174,822	24,695,997	26,577,019
Total Mills	30.00	30.00	30.00	35.00
Total Debt Bond/Non Bond	1,260,367	1,190,884	1,121,178	1,051,236
Per Pupil Expenditures	6,648	7,197	8,394	NA
Personnel-Non-Fed Certified FTE	40.25	41.35	51.08	NA
Avg Salary-Non-Fed Cert Clsrm FTE	33,924	36,582	31,296	NA
Net Legal Balance (Excl Cat & QZAB)	429,052	323,600	105,605	261,072

**Background Information:**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2009-10**

- Utilized Categorical funds more efficiently
- Utilized Federal funds more efficiently
- Reduce district bookkeeper to 11 month contract
- Eliminated interim teacher through RIF
- Eliminated the FY 08-09 one time East Lab Startup expenditure
- Monitor expenditures to reduce utility cost

**Other Information:**

\* Passed 5.0 New M & O Mills in September 2008 election

District projected ending legal balance less categoricals & QZAB for the 2009-2010 school year: \$573,425



# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Diana Julian  
Interim Commissioner

September 25, 2009

**State Board  
of Education**

Dr. Naccaman Williams  
Springdale  
Chair

Jim Cooper  
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Vice Chair

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Jonesboro

Brenda Gullett  
Fayetteville

Sam Ledbetter  
Little Rock

Alice Mahony  
El Dorado

Dr. Ben Mays  
Clinton

Mr. Ron Taylor  
Mammoth Spring School District  
410 Goldsmith Ave.  
Mammoth Spring, AR 72554

Dear Mr. Taylor:

This letter is to certify that the Mammoth Spring School District has completed all activities and strategies as outlined in the District's Fiscal Distress Improvement Plan. The District has also complied with all department recommendations and requirements for removal from Fiscal Distress. The District may now petition the State Board for removal from Fiscal Distress status. The petition should be sent to Ms. Hazel Burnett at the address provided below. The petition will be presented to the State Board at the October 12, 2009 meeting. Please plan to attend this meeting and be prepared to answer any questions the State Board may have concerning your District and its programs.

We congratulate the Mammoth Spring School District and encourage continued diligence to sustain this improvement.

Sincerely,

Hazel Burnett,  
ADE Coordinator,  
Fiscal Distress Accountability and Reporting  
Four Capitol Mall, Room 105-C  
Little Rock, AR 72201

HB:ddm

cc: Dr. Tom Kimbrell, Arkansas Department Education Commissioner  
Dr. Diana Julian, Deputy Commissioner  
Mr. William J. Goff

Four Capitol Mall  
Little Rock, AR  
72201-1019  
(501) 682-4475  
ArkansasEd.org



RONALD TAYLOR  
Superintendent

BRIAN DAVIS  
Principal High School

WADE POWELL  
Principal Elementary School

# Mammoth Spring School District

410 GOLDSMITH AVENUE  
MAMMOTH SPRING, ARKANSAS 72554

## BOARD MEMBERS

Devon Smoot  
Donell Russell  
Jamie Turnbough  
Mark Cooper  
Shelia Young

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SEP 28 2009

Financial Accountability and  
Reporting

September 25, 2009

Dr. Tom Kimbrell  
Commissioner of Education and the State Board of Education  
Four Capitol Mall, 304-A  
Little Rock, AR 72201

Dear Dr. Kimbrell:

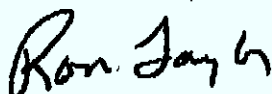
Please consider this letter the official request of the Mammoth Spring School District to be removed from the State Department of Education's list of schools in fiscal distress.

The Mammoth Spring School District has taken the following actions over the past two years to correct the issue of a declining balance:

1. Voters of the district approved a 5 mill (20%) increase in taxes for maintenance and operation in September of 2008. This rate increase, combined with a healthy 8% increase in the district's total assessment will provide additional funds creating a net increase in state and local money for the current school year. This increase is after deductions in state aid of \$151,585.00, which was mainly the result of declining enrollment.
2. The Mammoth Spring School District has reduced both certified and non-certified staff to correspond to the decrease in student enrollment.
3. The district has increased the price of adult meals in the cafeteria to help offset the deficit spending in food services.

Going forward, the benefits of increased local revenues and the budget reductions already in place, combined with those planned reductions will leave the school district financially sound for the foreseeable future.

Thank you for your consideration in this matter.



Ron Taylor  
Superintendent



**Mineral Springs School District**  
**LEA # 3104**  
**Howard County**

**Classified in Fiscal Distress**

May 12, 2008

**Fiscal Distress Indicators and Additional Concerns:**

- \* Projected negative ending balance in operating fund June 30, 2008, of (\$316,275) (Based on trend analysis of prior three years)
- \* Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District
- \* Material state audit exceptions in FY06.

<b>District Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>Max Adcock</b>	<b>Max Adcock</b>	<b>Max Adcock</b>	<b>Max Adcock</b>
4 QTR ADM	610	572	526	515
Assessment	29,710,575	30,885,840	32,081,834	33,654,224
Total Mills	34.00	34.00	34.00	34.00
Total Debt Bond/Non Bond	2,571,078	2,662,535	2,539,306	2,407,491
Per Pupil Expenditures	9,108	9,362	9,803	NA
Personnel-Non-Fed Certified FTE	65.97	63.42	48.61	NA
Avg Salary-Non-Fed Cert Clsrm FTE	37,724	37,362	50,314	NA
Net Legal Balance (Excl Cat & QZAB)	497,559	393,220	447,214	683,667

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2008-09**

- Reduced certified personnel by 6 FTE's through attrition
- Reduced classified personnel by 7 FTE's through attrition
- Reduced bus trips for various school activities
- Monitor energy usage and consumption
- Utilized restricted funds more efficiently

**2009-10**

- Reduced certified personnel by 4 FTE's through attrition
- Reduced classified personnel by 1 FTE through attrition and reduction of FTE
- Monitor energy usage and consumption
- Utilize restricted funds more efficiently
- Reduce bus trips for various school activities
- Reduce salary expenditures when replacing open positions

District projected ending legal balance less categoricals & QZAB for the 2009-2010 school year: \$1,010,723



# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Diana Julian  
Interim Commissioner

September 25, 2009

**State Board  
of Education**

Dr. Naccaman Williams  
Springdale  
Chair

Jim Cooper  
Melbourne  
Vice Chair

Sherry Burrow  
Jonesboro

Brenda Gullett  
Fayetteville

Sam Ledbetter  
Little Rock

Alice Mahony  
El Dorado

Dr. Ben Mays  
Clinton

Mr. Max Adcock  
Mineral Springs School District  
P.O. Box 189  
Mineral Springs, AR 71851

Dear Mr. Adcock:

This letter is to certify that the Mineral Springs School District has completed all activities and strategies as outlined in the District's Fiscal Distress Improvement Plan. The District has also complied with all department recommendations and requirements for removal from Fiscal Distress. The District may now petition the State Board for removal from Fiscal Distress status. The petition should be sent to Ms. Hazel Burnett at the address provided below. The petition will be presented to the State Board at the October 12, 2009 meeting. Please plan to attend this meeting and be prepared to answer any questions the State Board may have concerning your District and its programs.

We congratulate the Mineral Springs School District and encourage continued diligence to sustain this improvement.

Sincerely,

Hazel Burnett,  
ADE Coordinator,  
Fiscal Distress Accountability and Reporting  
Four Capitol Mall, Room 105-C  
Little Rock, AR 72201

HB:ddm

cc: Dr. Tom Kimbrell, Arkansas Department Education Commissioner  
Dr. Diana Julian, Deputy Commissioner  
Mr. William J. Goff

Four Capitol Mall  
Little Rock, AR  
72201-1019  
(501) 682-4475  
ArkansasEd.org



# Mineral Springs Public Schools

130 W. Browning Street • P.O. Box 189  
Mineral Springs, AR 71851-0189  
Phone 870-287-4748 • Fax 870-287-5301



Max Adcock, Superintendent  
Sammy F. Jackson, District Treasurer

Mark Tyler, Mineral Springs High School Principal  
Jeanie Gorham, Mineral Springs Elementary Principal  
Michael Brooks, Saratoga Elementary and High School Principal

September 28, 2009

Dr. Tom Kimbrell, Commissioner and the State Board of Education  
Arkansas Department of Education  
Four Capitol Mall, Room 304-A  
Little Rock, AR 72201

RECEIVED

SEP 30 2009

Accountability and Reporting

Dear Dr. Kimbrell and the State Board of Education:

I am pleased to report to you, Mineral Springs School District in Howard County has made vast improvements in our financial standing since our placement on the Fiscal Distress List in May of 2008. Our district has worked diligently with the support and technical assistance of the Fiscal Distress Team from the Department of Education. Mrs. Burnett and Mrs. Moore have been instrumental in assisting us in making the tough decisions that have lead us to our improved financial standing.

Upon being designated as fiscally distressed, the District outlined and implemented the following actions: (This is a condensed list of the many actions taken by the district.)

- Assigned staffing to efficiently use resources
- Sought to employ individuals with dual certification areas
- Restructured our purchase order system to ensure that all spending is centrally monitored in the district.
- Reduced cost associated with maintenance supplies without affecting the safe and healthy atmosphere of the school
- Instituted by attrition a reduction in force in order to streamline our staff
- Compiled monthly comparison report to closely monitor the district's expenditures compared to the same time the previous year.
- Monitored A/C & Heat use for utility savings
- Eliminated some field trips and activity trips for fuel savings

Though our district has seen many cuts, the quality of education that we are affording our students has not suffered. This difficult period has also helped our staff to have a more team oriented attitude that is focused on saving our district.

At this time, I would like to request the Mineral Springs School District be removed from the fiscal distress list. Our district has made significant progress and will continue to monitor its expenditures and by means of this communication petition the State Board of Education of the State of Arkansas to have the Mineral Springs School District granted its request to be removed from fiscal distressed status. Should you have any questions, suggestions or advice, please do not hesitate to contact me. The support shown our district is greatly appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Max Adcock".

Max Adcock  
Superintendent

**Murfreesboro School District**  
**LEA # 5504**  
**Pike County**

**Classified in Fiscal Distress**

April 21, 2008

**Fiscal Distress Indicators and Additional Concerns:**

- \* Projected negative ending balance June 30, 2008, of (\$307,394) (Based on trend analysis of prior three years)
- \* The District borrowed \$400,000 (cash flow loan) September 2008 for operational expenses
- \* Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District

<b>Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>Bernie Hellums</b>	<b>Bernie Hellums</b>	<b>Bernie Hellums</b>	<b>Curtis Turner Jr.</b>
4 QTR ADM	516	513	507	503
Assessment	33,185,150	34,416,140	35,025,060	36,547,865
Total Mills	36.40	36.40	36.40	36.40
Total Debt Bond/Non Bond	3,770,000	3,690,000	3,610,000	3,525,000
Per Pupil Expenditures	7,814	8,012	8,319	NA
Personnel-Non-Fed Certified FTE	59.71	52.03	54.15	NA
Avg Salary-Non-Fed Cert Clsrm FTE	34,729	38,710	37,916	NA
Net Legal Balance (Excl Cat & QZAB)	436,193	304,294	3,663	174,905

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2008-09**

- Reduced certified personnel by 5.5 FTE's through attrition
- Reduced classified personnel by 4.5 FTE's through attrition
- Eliminated additional summer service contracts
- Reduced employee benefits above the state minimum
- Monitor energy usage and consumption
- Monitor copy machine usage and printing
- Utilize purchase order system
- Review all vendor contract
- Reduce and limit athletic/field trips
- Realign bus routes
- Passed 7.6 New M & O Mills in March 2009 election
- Reduce personnel by sharing staff with other districts

**2009-10**

Reduced Certified personnel by 1.4 FTE through RIF and attrition  
 Reduce salary expenditures with hiring for open positions

District projected ending legal balance less categoricals for the 2009-2010 school year: \$337,937



# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Diana Julian  
Interim Commissioner

September 25, 2009

**State Board  
of Education**

Dr. Naccaman Williams  
Springdale  
Chair

Jim Cooper  
Melbourne  
Vice Chair

Sherry Burrow  
Jonesboro

Brenda Gullett  
Fayetteville

Sam Ledbetter  
Little Rock

Alice Mahony  
El Dorado

Dr. Ben Mays  
Clinton

Mr. Curtis Turner, Jr.  
Murfreesboro School District  
P.O. Box 339  
Murfreesboro, AR 71958

Dear Mr. Turner:

This letter is to certify that the Murfreesboro School District has completed all activities and strategies as outlined in the District's Fiscal Distress Improvement Plan. The District has also complied with all department recommendations and requirements for removal from Fiscal Distress. The District may now petition the State Board for removal from Fiscal Distress status. The petition should be sent to Ms. Hazel Burnett at the address provided below. The petition will be presented to the State Board at the October 12, 2009 meeting. Please plan to attend this meeting and be prepared to answer any questions the State Board may have concerning your District and its programs.

We congratulate the Murfreesboro School District and encourage continued diligence to sustain this improvement.

Sincerely,

Hazel Burnett,  
ADE Coordinator,  
Fiscal Distress Accountability and Reporting  
Four Capitol Mall, Room 105-C  
Little Rock, AR 72201

HB:ddm

cc: Dr. Tom Kimbrell, Arkansas Department Education Commissioner  
Dr. Diana Julian, Deputy Commissioner  
Mr. William J. Goff

Four Capitol Mall  
Little Rock, AR  
72201-1019  
(501) 682-4475  
ArkansasEd.org

# MURFREESBORO PUBLIC SCHOOLS

605 THIRD AVENUE • P.O. BOX 339  
MURFREESBORO, ARKANSAS 71958

**CURTIS TURNER, JR.**  
SUPERINTENDENT - (870) 285-2942  
FAX: (870) 285-2276

**ROGER FEATHERSTON**  
HIGH SCHOOL PRINCIPAL - (870) 285-2184

**TANYA WILCHER**  
ELEMENTARY PRINCIPAL - (870) 285-2193

RECEIVED

SEP 30 2009

Financial Accountability and  
Reporting



"Home of the Rattlers"

September 28, 2009

Dr. Tom Kimbrell, Commissioner and the State Board of Education  
Arkansas Department of Education  
Four Capitol Mall, 304-A  
Little Rock, AR 72201

Dear Dr. Kimbrell,

The Murfreesboro School District is hereby officially requesting the district be removed from the fiscal distress list. The district has made tremendous strides regarding its financial structure since its' classification of distress on 7/01/08. The staff, students and patrons have made a commitment to ensure the financial solvency of the school district. Through the 08-09 school year the district saved over \$500,000 in its operational expenditures. On March 10, 2009 the district patrons passed a 7.6 mill increase in local taxes to fund the operation of the district. As we start a new year (09-10) the district continues to save. The district has not borrowed money this fiscal year as we had to do during the 08-09 school year. We are projecting an ending balance in our operational fund (2000) to be \$505,137 at the end of June 2010. This projection does not include any new millage dollars which will start coming into the district during the 2010 school year.

I am satisfied that Murfreesboro Schools is well on the road to financial recovery. It is with this in mind that I respectfully ask the Arkansas Department of Education and the Arkansas State Board of Education to remove the Murfreesboro School District from the list of financially distressed schools.

Sincerely,

Curtis Turner, Jr.  
Superintendent of Schools



**Westside Consolidated School District**  
**LEA # 1602**  
**Craighead County**

**Classified in Fiscal Distress**

April 21, 2008

**Fiscal Distress Indicators and Additional Concerns:**

- \* Projected negative balance in operating fund June 30, 2008, of (\$87,061) (Based on trend analysis of prior three years)
- \* Declining fund balances for the past three years that could jeopardize the fiscal integrity of the District

<b>District Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>James Best</b>	<b>James Best</b>	<b>James Best</b>	<b>James Best</b>
4 QTR ADM	1,640	1,646	1,620	1,614
Assessment	82,213,382	84,095,694	86,907,891	93,193,486
Total Mills	32.17	32.17	32.17	32.17
Total Debt Bond/Non Bond	7,208,587	7,414,915	7,108,494	6,790,553
Per Pupil Expenditures	7,135	7,637	7,508	NA
Personnel-Non-Fed Certified FTE	123.36	129.77	128.50	NA
Avg Salary-Non-Fed Cert Clsrm FTE	38,271	39,196	39,451	NA
Net Legal Balance (Excl Cat & QZAB)	867,253	219,688	520,681	1,296,524

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2008-09**

- Reduced certified personnel by 3 FTE's through attrition and RIF
- Reduced classified personnel by 14 FTE's through attrition
- Consolidated 2 bus routes
- Proposed 2.83 Mill (1.0 M & O and 1.83 Debt service) increase in September 2008 election; Millage failed
- Discontinued renting 2 portable classroom buildings
- Utilized restricted funds more efficiently
- Eliminated landscaping contract
- Reduce certified personnel by 3 FTE's for the 2009-2010 school year
- Restructure maintenance department
- Eliminate additional contracted days for certified and classified employees for the 2009-2010 school year
- Rescind approved Academic Facilities Partnership funds

**2009-10**

- Reduced classified expenditures but reducing contract days for SRO, Security Director, and Technology Director
- Reduced classified expenditures by reducing salary for Maintenance Director
- Reduced certified salary expenditures by changing sick pay policy
- Reduce certified & classified salary expenditures by giving no increases

District projected ending legal balance less categoricals & QZAB for the 2009-2010 school year: \$1,263,598





# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Diana Julian  
Interim Commissioner

September 25, 2009

**State Board  
of Education**

Dr. Naccaman Williams  
Springdale  
Chair

Jim Cooper  
Melbourne  
Vice Chair

Sherry Burrow  
Jonesboro

Brenda Gullett  
Fayetteville

Sam Ledbetter  
Little Rock

Alice Mahony  
El Dorado

Dr. Ben Mays  
Clinton

Dr. James Best  
Westside Consolidated School District  
1630 Highway 91 West  
Jonesboro, AR 72404

Dear Dr. Best:

This letter is to certify that the Westside Consolidated School District has completed all activities and strategies as outlined in the District's Fiscal Distress Improvement Plan. The District has also complied with all department recommendations and requirements for removal from Fiscal Distress. The District may now petition the State Board for removal from Fiscal Distress status. The petition should be sent to Ms. Hazel Burnett at the address provided below. The petition will be presented to the State Board at the October 12, 2009 meeting. Please plan to attend this meeting and be prepared to answer any questions the State Board may have concerning your District and its programs.

We congratulate the Westside Consolidated School District and encourage continued diligence to sustain this improvement.

Sincerely,

Hazel Burnett,  
ADE Coordinator,  
Fiscal Distress Accountability and Reporting  
Four Capitol Mall, Room 105-C  
Little Rock, AR 72201

HB:ddm

cc: Dr. Tom Kimbrell, Arkansas Department Education Commissioner  
Dr. Diana Julian, Deputy Commissioner  
Mr. William J. Goff

Four Capitol Mall  
Little Rock, AR  
72201-1019  
(501) 682-4475  
ArkansasEd.org

# **WESTSIDE**

## **CONSOLIDATED SCHOOL DISTRICT NO. 5**

### **MEMBER NORTH CENTRAL ASSOCIATION**

1630 Hwy. 91 West • Jonesboro, AR 72404  
870.935.7503 • Fax 870.935.2123  
westsideschools.org

**RECEIVED**

**SEP 30 2009**

Financial Accountability and  
Reporting

September 28, 2009

Dr. Tom Kimbrell, Commissioner  
Arkansas Department of Education  
Four Capital Mall  
Little Rock, Arkansas 72201

Dear Dr. Kimbrell:

It is my pleasure to present this letter of petition on behalf of the Westside Consolidated School district for consideration by the Arkansas State Board of Education for removal from the state's fiscal distress list.

Westside's petition is based upon the actions taken over the past year to reduce its operating expenditures and to position itself for long-term fiscal stability. In summary, the highlights of the district's actions include:

- \*Reduction of athletic coaching positions,
- \*Reduction of administrative positions,
- \*Reduction-in-force of both certified and classified positions,
- \*Reduction of non-personnel expenditures,
- \*More efficient use of categorical and Federal budgets, and
- \*Increased administrative oversight and control of operational expenditures requests.

As a result of these and other actions taken by the district, the district's operational fund carry-over balance on June 30, 2009 was \$873,535.60, an increase of \$721,668.50 from the prior year's ending balance. The June 30, 2010 projected ending balance is \$1,001,792.36.

Westside has achieved this dramatic increase in balance by, in large part, reducing its personnel obligations. By doing so, the district is now operating much more efficiently and is in position to remain strong financially with continued fiscal discipline.

I would like to sincerely thank Ms. Hazel Burnett and her staff for their outstanding assistance to Westside over the past year. Their guidance and support have been valued and appreciated, and as a result, will benefit our district for many years to come.

Dr. Tom Kimbrell, Commissioner  
September 28, 2009

PAGE TWO

Westside respectfully petitions the Arkansas Board of Education for its consideration of our petition and thanks the board and the Commissioner for consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "James P. Best", written over a horizontal line.

James P. Best, Ed.D  
Superintendent

Cc: Mr. Randall Crisler, President  
Westside Board of Education

**Arkansas Department of Education**  
**Rules Governing the Regulatory Basis of Accounting**  
**August 2009**

1.00 Authority

1.01 The Arkansas State Board of Education's authority for promulgating these Rules is pursuant to Ark. Code 6-11-105.

1.02 These rules shall be known as the Arkansas Department of Education Rules Governing the Regulatory Basis of Accounting.

2.00 Purpose

2.01 The purpose of these Rules is to establish a consistent basis of accounting for schools.

3.00 Definitions - For purposes of these Rules, the following term means:

3.01 "Accrue" To record revenues when earned and to record expenditures as soon as they result in liabilities, regardless of when the revenue is actually received or the payment is actually made.

3.02 "Assets" – Probable future economic benefits obtained or controlled by a particular entity as a result of past transactions or events. Examples include: cash, investments, receivables, prepaid items, inventory, land, building, and equipment.

3.03 "Deferred Revenue" – Revenue received prior to the fiscal year in which it is earned . Deferred revenue is recorded as a liability when received and as revenue in the fiscal year it is earned.

3.04 "Expenditures" – Charges incurred, whether paid or unpaid, which are presumed to benefit the current fiscal year.

3.05 "Liabilities" – Debt or other legal obligations arising out of transactions in the past which are payable but not necessarily due.

~~3.02~~ 3.06 "Regulatory Basis of Accounting" – A basis of accounting that the reporting entity (school) uses to comply with the requirements or financial reporting provisions of a governmental regulatory agency (Arkansas Department of Education) to whose jurisdiction the entity is subject.

3.07 "Revenues" – Additions to assets which do not increase a liability, do not represent the recovery of an expenditure, do not represent the cancelation of certain liabilities without a corresponding increase in other liabilities or decrease in assets and do not represent contributions of fund capital in Food Service and Pupil Activity Funds.

~~3.01~~ 3.08 "School" – any public school district, charter school, educational cooperative, or any publicly supported entity having supervision over public educational entities.

3.09 “Uniform Rate of Tax (URT)” – Ad Valorem property tax of twenty-five (25) mills levied on the assessed value of all taxable real, personal, and utility property in the state to be used solely for maintenance and operations for the schools per Article 14, Section 3 of the Constitution of the State of Arkansas of 1874.

4.00 Financial Reporting-Regulatory Basis of Accounting

- 4.01 The financial statements shall be presented on a fund basis format. There shall be no entity-wide statements.
- 4.02 The financial statements shall consist of: Balance Sheet –Regulatory Basis; Statement of Revenues, Expenditures and Changes in Fund Balances –Governmental Funds - Regulatory Basis; Statement of Revenues, Expenditures and Changes in Fund Balances –Budget and Actual –General and Special Revenue Funds –Regulatory Basis.
- 4.03 There shall be included a Schedule of Capital Assets, including land, buildings and equipment, as supplemental information. The Capital Assets shall be reported net of accumulated depreciation.
- 4.04 Major governmental funds shall be defined as general and special revenue. Such funds shall be presented separately in the financial statements. All other governmental funds shall be presented in the aggregate. Fiduciary fund types shall be presented in a separate column in the Balance Sheet –Regulatory Basis.
- 4.05 Revenues, except for property taxes (see below), shall be reported in the financial statements in the accounting period in which they become susceptible to accrual – that is, when they become both measurable and available to finance expenditures of the fiscal period. Expenditures shall be reported in the financial statements when the related liability is incurred. Such expenditures shall not include accruals for interest payable, compensated absences, prepaid expenses or inventories. Reported liabilities, except for deferred taxes, shall not include the current portion of long-term debt or deferred revenues. Property taxes shall be accrued or deferred, as applicable, in accordance with current approved guidelines issued by the Arkansas Department of Education (ADE). Arkansas law defines revenue receipts of a school district and includes forty percent (40%) of the proceeds of local taxes which are not pledged to secure bonded indebtedness or forty percent (40%) of the revenue from the uniform rate of tax whichever is greater collected in the succeeding calendar year, commonly known as 40% pullback, within that definition. School districts must utilize the 40% pullback amount, as calculated by the ADE and reflected on the respective county’s abstract of assessments, in recording property tax revenue as follows:
- If the amount of 40% pullback collected by June 30<sup>th</sup> is less than the calculated 40% pullback amount, the difference must be accrued;
  - If the amount of 40% pullback collected by June 30<sup>th</sup> is more than the calculated 40% pullback amount, the excess must be recorded as deferred tax revenue.

- 4.06 Revenues shall be reported by major sources, and expenditures shall be reported by major function.
- 4.07 Other transactions which are not reported as revenues or expenditures shall be reported as other financing sources and uses. Transactions related to the recording of installment contracts, capital leases, and significant insurance recoveries shall be reported as other financing sources. Losses resulting from the impairment of capital assets shall not be reported in the financial statements.
- 4.08 The carrying value of sinking funds, required by the provisions of a Qualified Zone Academy Bond (QZAB), shall be reported at cost. Risk disclosures of the related investments, as addressed in Governmental Accounting Standards Board Statement No. 40, shall not be included in the Notes to Financial Statements.
- 4.09 The Notes To Financial Statements (NTFS) shall include those disclosures appropriate to the regulatory basis of accounting. The NTFS shall also include the following, if applicable: summarized reporting information, if material, pertaining to component units, related organizations, and other affiliated organizations (as defined by the Governmental Accounting Standards Board), changes in private-purpose trust funds, and required disclosures related to long-term debt.
- 4.10 There shall be no Management's Discussion and Analysis.
- 4.11 The Schedule of Expenditures of Federal Awards shall be reported on the same basis of accounting as the financial statements.
- 4.12 Those payments made by the Arkansas Department of Education (ADE) on behalf of schools, but not directly to schools, shall not be recorded as revenue and expenditures by the schools. (Example: Health Insurance, contributions paid by ADE in accordance with Arkansas Code Annotated §6-17-1117.)

#### 5.00 Alternative Basis of Presentation

- 5.01 The governing body of a school district may adopt a resolution, not less than six months before the end of the school fiscal year, requiring their financial statements be presented in accordance with the standards established by the Governmental Accounting Standards Board, the American Institute of Certified Public Accountants, and the United States Government Accountability Office. Once this resolution is made, it shall remain in effect until the governing board rules otherwise.
- 5.02 This resolution adopting the Alternative Basis of Presentation must be submitted to the Department of Education within ten (10) days of adoption by the local school board.

**MARK-UP FOLLOWING PUBLIC COMMENT PERIOD COPY**  
**Draft of Arkansas Department of Education**  
**Rules Governing the Calculation Methods for Declining Enrollment and Student**  
**Growth Funding for Public School Districts**

**August 10, 2009-October 12, 2009**

**1.00 Authority**

- 1.01 The Arkansas State Board of Education's authority for promulgating these Rules is pursuant to Ark. Code Ann. §§ 6-11-105 and 6-20-2301 et seq., and Act 1501 of the 2009 Regular Session.
- 1.02 These Rules shall be known as the Arkansas Department of Education (ADE) Rules Governing the Calculation Methods for Declining Enrollment and Student Growth Funding for Public School Districts (Rules)

**2.00 Purpose**

- 2.01 The purpose of these Rules is to provide the calculation methods for Declining Enrollment and Student Growth Funding for public school districts.

**3.00 Definitions**

- 3.01 Average Daily Membership (ADM) means the total number of days of school attended plus the total number of days absent by students in grades kindergarten through twelve (K-12) during the first three (3) quarters of each school year, divided by the number of school days actually taught in the school district during that period of time, rounded ~~up~~ to the nearest hundredth.
- 3.02 Current Fiscal Year means the present fiscal year, in progress, beginning on July 1 and ending on the following June 30.
- 3.03 Declining Enrollment Funding means the amount of state financial aid provided to an eligible school district from funds made available for a decline in ADM occurring between the prior fiscal year and the fiscal year prior to the prior fiscal year.
- 3.04 Fiscal Year means the annual school year for Arkansas that consists of the twelve-month period beginning July 1 and ending on the following June 30.
- 3.05 Fiscal Year Prior to the Prior Fiscal Year means the fiscal year preceding the prior fiscal year.
- ~~3.06 Isolated Special Needs Funding means the amount of funding provided for an eligible school district meeting the criteria established in Ark. Code Ann. § 6-20-604.~~
- 3.06 ~~3.07~~ Prior Fiscal Year means the fiscal year immediately preceding the current fiscal year.
- 3.07 ~~3.08~~ Quarterly Average Daily Membership means the ADM for one (1) quarter of a school year used for calculating student growth funding pursuant to Section 5.0 of this Rule.

~~3.08~~ ~~3.09~~ ~~Isolated~~ Special Needs Isolated Funding means the amount of funding provided for an eligible school district meeting the criteria established in Ark. Code Ann. § 6-20-604.

3.09 Student Growth Funding means the amount of state financial aid provided to an eligible school district from funds made available for growth in the ADM occurring between each current fiscal year quarter over the prior fiscal year three-quarter ADM of the school district.

#### **4.00 Declining Enrollment Funding**

4.01 Declining enrollment funding is provided for an eligible school district that has experienced a decline in ADM in the prior fiscal year compared to the fiscal year prior to the prior fiscal year.

4.02 Declining enrollment funding is equal to the ADM of the prior fiscal year, subtracted from the average of the ADM of the prior fiscal year and the ADM of the fiscal year prior to the prior fiscal year, multiplied by the current amount of foundation funding established by the General Assembly.

4.03 Pursuant to AR Code Ann. § 6-20-2305 (a) (3) (A), ~~no~~ No school district shall receive both declining enrollment funding and ~~isolated~~ special needs isolated funding under AR Code Ann. § 6-20-604.

4.04 No school district shall receive both declining enrollment funding and student growth funding under AR Code Ann. § 6-20-2305. These two funding categories are calculated using ADM data from two different time periods. Therefore, within one fiscal year, it is possible for a school district:

4.04.1 To qualify for declining enrollment funding due to a decline in prior fiscal year ADM compared to the fiscal year prior to the prior fiscal year; and

4.04.2 To qualify for student growth funding due to growth in ADM occurring between one or more of the current fiscal year quarters over the prior fiscal year three-quarter ADM.

4.05 The ADE will provide funding of the category or categories of funding that yields the most funding to the school district. The ADE will compare student growth to declining enrollment funding, ~~isolated~~ special needs isolated to declining enrollment funding, or student growth plus ~~isolated~~ special needs isolated funding to declining enrollment funding.

4.06 Declining enrollment funding is unrestricted funding. However, under AR Code Ann. § ~~6-20-2203~~ ~~6-20-2305 (g)~~, each school district receiving declining enrollment funding shall submit to the ADE a report listing the amount of declining enrollment funding received under AR Code Ann. § 6-20-2305 (b), how the funds were expended, the amount expended, and any other information required by the ADE. This report shall be submitted through the Arkansas Public School Computer Network (APSCN) in Cycle 9.

#### **5.00 Student Growth Funding**



- 5.01 Student growth funding is calculated as the sum of the following amounts:
- 5.01.1 One quarter (1/4) of the current amount of per student foundation as established by the General Assembly multiplied by the increase, if any, in the school district's:
- 5.01.1.1 Current fiscal year first quarter ADM over prior fiscal year three-quarter ADM;
- 5.01.1.2 Current fiscal year second quarter ADM over prior fiscal year three-quarter ADM;
- 5.01.1.3 Current fiscal year third quarter ADM over prior fiscal year three-quarter ADM; and
- 5.01.1.4 Current fiscal year fourth quarter ADM over prior fiscal year three-quarter ADM.
- 5.02 By January 31 of each fiscal year, the ADE shall calculate an amount of student growth funding using the current fiscal year quarterly ADM for the first quarter and an estimation of the ADM for the second, third, and fourth quarters. No less than sixty percent (60%) of this amount will be distributed to eligible school districts by January 31.
- 5.03 The estimated ADM for quarters two, three, and four will be calculated by multiplying the current fiscal year quarter one ADM by the respective percentage change in prior fiscal year ADM for quarters two, three, and four over prior fiscal year quarter one ADM.
- 5.04 By April 30 of each fiscal year, the ADE shall distribute to eligible school districts, forty percent (40%) of the amount calculated above (or the balance if less than 40% remains).
- 5.05 By July 31 of each fiscal year, the ADE shall calculate the amount of student growth funding using the actual quarterly ADM for all four (4) quarters of the applicable school year.
- 5.06 By August 31 of the fiscal year following the fiscal year in which the estimated student growth funding is received, if the actual amount is:
- 5.06.1 More than the estimated amount, the ADE shall distribute the difference to the school district; or
- 5.06.2 Less than the estimated amount, the school district shall refund the difference to the ADE.
- 5.07 Increases in ADM ~~average daily membership~~ resulting solely from consolidation or annexation shall be excluded from the student growth funding calculation
- 5.08 No school district shall receive both declining enrollment funding and student growth funding.
- 5.09 Student growth funding is unrestricted funding.



**Arkansas Department of Education**  
**Revisions to Proposed Rules Governing the Distribution of Student Special Needs Funding**  
**And the Determination of Allowable Expenditures of Those Funds**  
~~September 2007~~ October 2009

**1.00 Authority**

- 1.01 The Arkansas State Board of Education’s authority for promulgating these Rules is pursuant to Ark. Code Ann. §§ 6-11-105 and 6-20-2305 and Acts ~~811 and 1590~~ 1469 of 20079.
- 1.02 These Rules shall be known as the Arkansas Department of Education Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of Those Funds.

**2.00 Purpose**

- 2.01 The purpose of these Rules is to distribute student special needs funding and define the allowable expenditures of those funds.

**3.00 Definitions – For purposes of these Rules, the following terms mean:**

- 3.01 “Alternative Learning Environment (ALE)” is a student intervention program, in compliance with Ark. Code Ann. §§ 6-18-508 and 6-18-509 and these Rules, that seeks to eliminate traditional barriers to ~~student~~ learning for students.
- 3.02 “Average Daily Membership (ADM)” is the total number of days of school attended plus the total number of days absent by students in grades kindergarten through twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the school district during that period of time rounded up to the nearest hundredth.
- 3.02.1 In those instances in which the ADM for ~~less~~ fewer than three (3) quarters is specified, the number of days used in the calculation —shall be the days in the specified period of time.
- 3.02.2 As applied to these Rules, students who may be counted for ADM are:
- 3.02.2.1 Students who reside within the boundaries of the school district, ~~and who~~ are enrolled in a public school operated by the school district, and are enrolled in a curriculum that fulfills the requirements established by the State Board of Education (State Board) under the Standards for Accreditation of Arkansas Public Schools and School Districts;
- 3.02.2.2 Legally transferred students living outside the school district but — are attending a public school in the school district under a provision of the Arkansas Code or Rules and are enrolled in a curriculum that fulfills the requirements established by the State Board under the Standards for Accreditation of Arkansas Public Schools and School Districts;

3.02.2.3 Open-enrollment public charter school students who are enrolled in a curriculum that fulfills the requirements established by the State Board under the Standards for Accreditation of Arkansas Public Schools and School Districts; or

3.02.2. ~~34~~ Students who are eligible to attend and who reside within the boundaries of a school district and ~~who~~ are enrolled in the Arkansas National Guard Youth Challenge Program, so long as the students are participants in the program.

3.03 “Bonus” is a non-recurring payment to a school district employee, which shall not be considered an addition to the employee’s contractual salary amount.

3.04 “Classroom Teacher” is an individual who is required to hold a teaching license from the Arkansas Department of Education (Department) and who is working directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time; a guidance counselor; or a librarian.

3.05 “English Language Learners (ELL)” are students identified by the State Board of Education ~~(State Board)~~ as not proficient in the English language based upon approved English proficiency assessment instruments ~~administered annually in the fall of the current school year, which assessments measure oral, reading, and writing,~~ speaking, listening, and comprehending English proficiency.

3.06 “Eligible Alternative Learning Environment Student” is a student who meets the qualifications of 4.01, is in a program that meets the qualifications of 4.02, has attended an eligible ALE for a minimum of twenty (20) days per school year and meets the requirements outlined in Section 4.00.

3.07 “Excess National School Lunch Act Funds” are current year National School Lunch Act Funds remaining after a district has met the educational needs of students.

~~3.07~~08 “NSLA” - National School Lunch Act.

~~3.08~~09 “National School Lunch Students” are those students from low socio-economic backgrounds as indicated by eligibility for free or reduced-price meals under the National School Lunch Act as determined on October 1 of ~~the~~ each previous school year and submitted to the Department, unless the district participates in the NSLA Provision 2 Program.

3.0910 “Previous Year” is the school year immediately preceding the school year in which funds are allocated.

~~3.10~~11 “Professional ~~development~~ Development” is a coordinated set of professional development activities that improve the knowledge of teachers, administrators, and paraprofessionals concerning effective instructional strategies, methods, and skills for improving teaching practices and student academic achievement. Training activities for school bus drivers may also be included.

3.40~~11~~.1 Professional development shall result in individual school-wide, and district-wide improvement designed to ensure that all students demonstrate proficiency in the state academic standards.

3.40~~11~~.2 Professional development should be based on research, standards-based and continuous.

3.44~~12~~ “Provision Two (2) School District” is a school district participating in the National School Lunch Program under 42 U.S.C. § 1759a, as interpreted in 7 C.F.R. § 245.9.

3.13 “Provision Two (2) School District Base Year” means the last school year for which eligibility determinations were made and meal counts were taken by type.

3.42~~14~~ “School District” is a geographic area with an elected board of directors that qualifies as a taxing unit for purposes of ad valorem~~401 et seq.~~ property taxes under Title 26 of the Arkansas Code, and whose board conducts the daily affairs of public schools pursuant to the supervisory authority vested in it by the General Assembly ~~via~~ and Title 6 of the Arkansas Code.

3.43~~15~~ “School Year” is the year beginning July 1 of one calendar year and ending June 30 of the next calendar year.

3.16 “Supplement to Teacher Salaries” is the use of excess NSLA funds to supplement teacher salaries as either a bonus, as defined at 3.03, or to provide an amount of compensation above the amount required by the minimum teacher salary compensation schedule, as defined at Ark. Code Ann. §6-17-2403.

3.44~~3.17~~ “Technology” is any equipment, for instructional purposes, that is electronic in nature, including, but not limited to, computer hardware, computer software, internet connectivity, and distance learning.

#### **4.00 Special Needs - Alternative Learning Environment (ALE)**

##### **4.01 Eligible ALE Students**

4.01.1 An eligible ALE student shall exhibit two (2) or more of the characteristics identified in 4.01.1.1 and 4.01.1.2. Students will not be placed in the ALE based on academic problems alone.

4.01.1.1 –Students placed at risk, though intelligent and capable, typically manifest one or more of the following characteristics:

- Disruptive behavior
- Drop out from school
- Personal or family problems or situations
- Recurring absenteeism
- Transition to or from residential programs

4.01.1.2 –Situations that negatively affect the student’s academic and social progress may include, but are not limited to:

- Ongoing, persistent lack of attaining proficiency levels in literacy and mathematics
- Abuse: physical, mental, or sexual
- Frequent relocation of residency
- Homelessness
- Inadequate emotional support
- Mental/physical health problems
- Pregnancy
- Single parenting

#### 4.02 –Eligible ALE Programs

4.02.1 -An eligible ALE program shall meet the following guidelines:

4.02.1.1 Have students taught by a currently licensed teacher. If course credit is granted, the teacher must be highly qualified. Newly hired teachers in these designated districts will have three years from the date of hire to become highly qualified as required by the federal No Child Left Behind Act of 2001.

4.02.1.2 Have a student/teacher ratio in grades Kindergarten through six (K-6) of no more than ten (10) to one (1). If a paraprofessional is employed in addition to a licensed supervisor, the student/teacher ratio shall be no more than twelve (12) to one (1).

4.02.1.3 -Have a student/teacher ratio in grades seven through twelve (7-12) of no more than fifteen (15) to one (1). If a paraprofessional is employed in addition to a licensed supervisor, the student/teacher ration shall be no more than eighteen (18) to one (1).

4.02.1.4 —Provide each alternative learning student with access to the services of a school counselor or a mental health professional, a nurse, and support services provided to other students.

4.02.1.5 —Coordinate the ALE with state and federal student assistance programs.

4.02.1.6 —Submit a description of the ALE on a form developed by the Department. This description shall be included in the districts’ Arkansas Comprehensive School Improvement Plan (ACSIP).

4.02.1.7 Have an Alternative Education Placement Team in place in order to determine student placement in the ALE. This team should include the school counselor, the ALE director or principal, a parent or legal guardian and a regular classroom teacher.

4.02.1.8 –Maintain documentation of the presence of the characteristics listed in the student’s plan.

4.02.1.9 Provide that the ALE shall not be punitive but should provide the guidance, counseling, and academic support to enable students who are experiencing emotional, social or academic problems to continue to make progress toward educational goals either in the traditional educational system or the General Educational Development (GED) Program.

4.02.1.10 Provide that computer programs when used in the ALE setting will supplement teacher instruction.

4.02.1.11 Develop an agreement with the parent or guardian, teacher or ALE director, and student outlining the responsibilities of the school, parent, and the student to provide assurance that the plan for each student is successful.

4.02.1.12 Provide a curriculum including mathematics, science, social studies, and language arts aligned with the regular classroom instruction or with the standards for the tests of the GED.

4.02.1.13 Develop exit criteria on which to base a student’s return to the regular program

4.02.1.14 -Require ALE staff to meet the same professional development requirements as other certified staff.

4.02.1.15 -The Department shall monitor ALEs as required in compliance with Ark. Code Ann. § 6-18-509.

#### 4.03 ALE Funding

4.03.1 -The ALE funding amount shall be the amount required by law times the district’s eligible ALE student’s full time equivalent (FTE) in the previous school year as defined in this Rule.

4.03.2 -An ALE student shall be counted as no more than one student for ALE funding purposes.

4.03.3 An eligible ALE student’s FTEs shall be determined by the number of hours taught in an eligible ALE each day divided by 6 hours, times the number of days an eligible student attends the ALE, plus the number of days absent, divided by the number of school days actually taught in the school year.

4.03.3.1 Alternative Learning Student is a student who has attended an eligible ALE for a minimum of twenty (20) days per school year.

4.03.3.2 Full Time Equivalent (FTE) Alternative Learning Student is an alternative learning student who has at least six (6) hours per day of student/teacher interaction time in the ALE, and attends the ALE for the entire school year.

4.03.4 -ALE funding is restricted state aid.

4.03.5 -ALE funding shall be spent on eligible activities identified in this Rule except as otherwise allowed by law or rule.

4.03.6 ALE funding may be carried over from one fiscal year to the next but these funds shall remain restricted to the priority areas as defined in this Rule.

## **5.00 Special Needs - English Language Learners (ELL)**

5.01 The ELL funding amount shall be the amount required by law times the district's identified English Language Learners in the current school year.

5.01.1 The number of identified ELL students shall be a total of all students identified by the State Board as not proficient in the English language based upon approved English proficiency assessment instruments.

5.01.2 Documentation to be used for the calculation of the number of identified ELL students must be submitted to the Department no later than November 30 of each school year.

5.01.3 An ELL student shall be counted as no more than one student for ELL funding purposes.

5.02 School districts shall maintain documentation of each student identified as ~~an~~—ELL.

5.03 For ELL funding purposes, State-approved English proficiency assessment instruments include:

5.03.1 —LAS (Language Assessment Scales)

~~5.03.2 —IDEA (IPT Idea Proficiency Test)~~

~~5.03.3 —Woodcock Munoz~~

5.03.4 5.03.2—Maculaitis Assessment of Competencies

~~5.03.5 —Language Assessment Battery~~

5.03.3 ELDA English Language Proficiency Screener

5.04 ELL funding shall be expended for the following eligible activities:

5.04.1 Salaries for ELL-skilled instructional services (not supplanting district financial obligations for providing teachers for ELL students).

5.04.2 Funds for teacher training, consultants, workshops, ELL course work including Department sponsored training programs.

5.04.3 —Released-time for ~~planning program selection, and~~ ELL program development.



5.04.4 Selection and purchase of language-appropriate instructional and supplemental (enrichment) materials for ELL students -(including computer-assisted technology and library materials).

5.04.5 Counseling services, community liaison staff with language and cultural skills appropriate to the ELL population.

5.04.6 Assessment activities, which ~~address~~ include test administration, identification, placement, and review of ELL student academic progress, as well -as evaluation activities to determine the effectiveness of the district's ELL program.

5.04.7 Funds for the implementation of supplemental instructional services for ELL students.

~~5.04-05~~ ELL funding may be carried over from one fiscal year to the next, but these funds shall remain restricted to those priority areas defined in this Rule.

~~5.05-06~~ A description of ELL activities and funding shall be included in the district's Arkansas Comprehensive School Improvement Plan (ACSIP).

## **6.00 Special Needs - National School Lunch Act (NSLA)**

6.01 ~~The NSLA~~ National school lunch state categorical funding amount ~~under Ark. Code Ann. § 6-20-2305 (b) (4)~~ shall be ~~determined by~~ based on the district's total number of national school lunch students identified as eligible to participate in the NSLA Program for the immediately preceding school year determined under 3.08 of this Rule, -divided by the district's total enrolled students for the immediately preceding school year. ~~The product resulting percentage shall be calculated to one tenth of one percent, and rounded up to the nearest whole number from five tenths or down to the nearest whole number from less than five tenths.~~ If the school district is a Provision 2 district, this funding is based on the school district's percentage of national school lunch students submitted in the base year, multiplied by the number of enrolled students for the immediately preceding school year. NSLA funding for Provision 2 districts shall be determined as defined in Ark. Code Ann. § 6-20-2303 (12)(B)(i) and (ii). For determination of the per student amount of national school lunch state categorical funding, the percentage shall be calculated to one tenth of one percent, and rounded up to the nearest whole number from five tenths or down to the nearest whole number from less than five tenths

6.01.1 For school ~~Districts~~ districts in which with ninety percent (90%) or greater of the previous -school year's enrolled students ~~eligible for the NSLA Program~~ are national school lunch students, ~~shall receive~~ per-student national school lunch state categorical funding shall be the amount required by Ark. Code Ann. § 6-20-2305 (b) (4) (A) (i) ~~law for each student eligible for the NSLA Program.~~

6.01.2 For school ~~Districts~~ districts in which with less than ninety percent (90%) ~~and but~~ at least seventy percent (70%) of the previous school year's enrolled students ~~eligible for the NSLA Program~~ are national school lunch students, ~~shall receive~~ per-student national school lunch state categorical funding shall be the amount required by Ark. Code Ann. § 6-20-2305 (b) (4) (A) (ii) ~~law for each student eligible for the NSLA Program.~~

- 6.01.3 ~~For school~~ Districts ~~districts in which~~ with less than seventy percent (70%) of the previous school year's enrolled students are national school lunch students, eligible for the NSLA Program shall receive per-student national school lunch state categorical funding shall be the amount required by Ark. Code Ann. § 6-20-2305 (b) (4) (A) (iii). ~~law for each student eligible for the NSLA Program.~~
- 6.01.4 Districts must participate in the federal National School Lunch Program to receive NSLA Funding.
- 6.02 The district percentage of NSLA eligible students shall be determined from the Arkansas Public School Computer Network's Cycle 2 report for the previous school year.
- 6.02.1 The Child Nutrition Unit of the Department shall verify the Cycle 2 report for accuracy.
- 6.02.2 Adjustments to the Cycle 2 report shall be made by the Department based on documentation provided by the school district.
- 6.03 NSLA Growth Funding
- 6.03.1 The Department shall use the Cycle 2 enrollment data for the previous four years to calculate a three-year trend in district enrollment.
- 6.03.2 If a district has grown at least one percent for each of the three previous years, they shall qualify for NSLA Growth Funding.
- 6.03.3 Districts that qualify for funding shall receive NSLA Growth Funding.
- 6.03.4 The funding shall be calculated as the three year average growth in enrollment multiplied by the district's previous year's percentage of students eligible for the NSLA Program multiplied by the per student funding amount determined in 6.01.
- 6.04 Transitional NSLA Funding Methods ~~Due to Percentage Changes in NSLA Students~~
- 6.04.1 ~~Beginning with the 2007-2008 school year, the percentage of students eligible for free and reduced priced meals will be calculated by the Department of Education based on information validated by the Child Nutrition Section.~~
- 6.04.2 ~~A comparison will be made between the percentage of students eligible for free and reduced priced meals in the most recent previous year and the year previous to that year.~~
- 6.04.3 ~~Districts that have a change in the percentage of students eligible for free and reduced priced meals will be identified.~~

~~6.04.4 Beginning with the 2007-2008 school year, any school district that is to receive NSLA funding based on a different categorical amount of per student NSLA funding than was received the preceding school year, due to an increase or decrease in the percentage of NSLA students of the district's total October 1 enrollment as compared to the district's preceding school year's NSLA population, shall receive such increase or decrease in per student NSLA funding in three, one-third increasing or decreasing equal transition amounts over a three-year time period or until the district is receiving that amount of NSLA funding the district is legally entitled to receive as provided in Section 6.04.8 of this rule.~~

~~6.04.5 The three-year transition funding process will begin the year following the year in which the district's number of NSLA students meets, exceeds or falls below ninety percent (90%) but is greater than seventy percent (70%) or will begin the year following the year in which the district's number of NSLA students meets, exceeds or falls below seventy percent (70%) but is less than ninety percent (90%).~~

~~6.04.6 The total amount of NSLA funding will be determined based on the district's NSLA population as a percentage of the district's total October 1 enrollment.~~

~~6.04.7 A district's NSLA funding is based on the number of free and reduced priced students times the funding amount as established by the General Assembly.~~

~~6.04.8 When the annual calculation of the percentages meets the conditions outlined in Section 6.04.5 of this rule, then the total increase or reduction in the amount of NSLA funding due to be paid to the district will be increased or decreased by one third of the amount of increase or decrease in the first year of the transition, two-thirds of the amount of the increase or decrease in the second year of the transition, and by the full amount of the increase or decrease in the third year of the transition process.~~

~~6.04.9 No district shall be entitled to receive more or less per student NSLA Funding at the end of the transition process than is due to be paid to the district in NSLA funding as a result of the transition funding process.~~

6.04.1 Beginning with the 2009-2010 school year, if a school district will receive, in the current school year, national school lunch state categorical funding under Ark. Code Ann. § 6-20-2305(b)(4)(A) that is based on a different per-student amount of national school lunch state categorical funding than the school district received in the immediately preceding school year, due to a percentage change in national school lunch students, the Department shall adjust the funding to the school district in a transitional three-year period.

6.04.2 The amount of national school lunch state categorical funding under Ark. Code Ann. § 6-20-2305(b)(4)(A) shall be increased or decreased in each year of a three-year transition period by one-third (1/3) of the difference between the amount of national school lunch state categorical funding per student for the current year and the amount of national school lunch state categorical funding per student for the immediately preceding year, adjusted for changes to the funding rates in Ark. Code Ann. § 6-20-2305(b)(4)(A).

6.04.3 The method of transition for a school district that experiences a decrease in the amount of national school lunch state categorical funding per student under Ark. Code Ann. § 6-20-2305(b)(4)(A) is detailed using the following example of a decrease in national school lunch state categorical funding per student from \$1,488 in the immediately preceding year to \$992 in the current year:

For illustrative purposes:

- Year one (current year) of transition (decrease 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$1,322.67 (\$1,488 - \$165.33).
- Year two of transition (decrease 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$1,157.34 (\$1,322.67 - \$165.33).
- Year three (final year) of transition (decrease 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$992 (\$1,157.34 - \$165.34).

6.04.4 The method of transition for a school district that experiences an increase in the amount of national school lunch state categorical funding per student under Ark. Code Ann. § 6-20-2305(b)(4)(A) is detailed using the following example of an increase in national school lunch state categorical funding per student from \$992 in the immediately preceding year to \$1,488 in the current year:

For illustrative purposes:

- Year one (current year) of transition (increase 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$1,157.33 (\$992 + \$165.33).
- Year two of transition (increase 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$1,322.66 (\$1,157.33 + \$165.33).
- Year three (final year) of transition (increase 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$1,488 (\$1,322.66 + \$165.34).

6.04.5 The method of transition for a school district that, within a three-year period, experiences both a decrease and an increase in the amount of national school lunch state categorical funding per student under Ark. Code Ann. § 6-20-2305(b)(4)(A) is detailed using the following two examples:

6.04.5.1 In the first example, a school district experiences an *increase* in national school lunch state categorical funding per student from \$992 in the immediately preceding year to \$1,488 in the current year, and a *decrease* to \$992 in the following year. In this instance, the transition is completed in two years rather than three.

For illustrative purposes:

- Year one (current year) of transition (increase 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$1,157.33 (\$992 + \$165.33).

- Year two (final year) of transition (decrease 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$922 (\$1,157.33 - \$165.33).

6.04.5.2 In the second example, a school district experiences a decrease in national school lunch state categorical funding per student from \$992 in the immediately preceding year to \$496 in the current year, no change in the second year, and an increase to \$992 in the third year. In this instance, the transition is completed in four years rather than three.

*For illustrative purposes:*

- Year one (current year) of transition (decrease 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$826.67 (\$992 - \$165.33).
- Year two of transition (decrease 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$661.34 (\$826.67- \$165.33).
- Year three of transition (increase 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$826.67 (\$661.34 + \$165.33).
- Year four (final year) of transition (increase 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$992 (\$826.67 + \$165.33).

6.05 Each school district with NSLA students shall provide a research based program(s) or purpose(s) for students eligible for NSLA funding in order to improve instruction and increase academic achievement of those students.

6.06 NSLA funding shall not be used to meet or satisfy the Arkansas Standards for Accreditation required by Ark Code Ann. § 6-15- 201 et seq. the Arkansas Minimum Teacher Salaries required by Ark. Code Ann. § 6-17-2403 except as otherwise allowed herein this section.

6.06.1 NSLA funding shall not be used to augment, replace, or supplement the mandatory requirements of the Arkansas Standards for Accreditation required by Ark. Code Ann. § 6-15-201 et seq. unless the expenditure is for the purposes outlined under Section 6.07 of this Rule .

6.06.2 -A district may use NSLA funds as a bonus or to supplement salaries above the minimum salary schedule required by Ark. Code Ann. § 6-17-2403 provided the school district is in compliance with and meets the eligibility provision of this rule.

6.06.3 School districts may use NSLA funds to pay the salaries of those teachers which are used to reduce the pupil to teacher ratio below the mandates required by the Arkansas Standards of Accreditation under the following conditions:

- 6.06.3.1 The district designates, in a written plan submitted to the ADE which must be approved by the ADE, the specific teacher(s) which are used to reduce the pupil-to-teacher ratios required by the Standards of Accreditation: explain how the district will use NSLA funds to only pay the salaries of those class-size-reduction teachers or other teachers designated by the ADE as bona fide NSLA program or purpose expenditures as allowed by § 6.07 of these rules; explains how the district will use class-size-reduction teachers(s) pursuant to a recognized published research-based program to specifically target an identified academic deficiency or need of the district which aligns with and supports the district's Arkansas Comprehensive School Improvement Plan;
  - 6.06.3.2 Any district which did not use NSLA funds to support the salaries of the class-size-reduction teachers by June 30 in the 2006-2007 school year is limited to using NSLA funds to support the salaries of only those class-size-reduction teachers in kindergarten through the eighth (8th) grade of the school district starting in the 2007-2008 school year and each school year thereafter, provided the district submits a detailed written plan as required in §6.06.3.1 which is approved by the ADE; and
  - 6.06.3.3 Along with any request to expand or increase the use of NSLA funds to pay for or support the salaries of class-size-reduction teachers from a previous school year, the district shall submit a written justification showing how the funds are being used to support an increased academic deficiency or need of the district and is not an attempt to avoid or circumvent the general purpose of reducing the amount of NSLA funds used to increase teacher salaries as required and mandated by Act 1590 of 2007.
- 6.07 –NSLA funding shall be expended for eligible program(s) or purpose(s) that are research-based and aligned to the Arkansas Content Standards for improving instruction and increasing achievement of NSLA identified students at risk of not meeting challenging academic standards either existing or new. These programs or purposes include:
- 6.07.1 Employing Literacy and/or Mathematics and/or Science Specialists/Coaches (K-12) and/or instructional facilitators that meet the following requirements:
    - 6.07.1.1 The Specialists/Coaches and/or instructional facilitators are educators who assist in curriculum alignment with state curriculum documents; alignment of classroom assessment with statewide exams; instructional strategies; professional development and implementation of training; choosing standards-based instructional materials; understanding of current research; advantageous arrangement of the instructional day; and integrating technology into instruction.

6.07.1.2 Qualifications for Specialists/Coaches (K-12):

- At least three years of recent teaching experience in appropriate content areas within grades K-12
- Knowledge of Arkansas Curriculum Framework
- Knowledge of current research and effective practices in standards-based curriculum, instruction, and assessment
- Experience in adult learning situations and in team problem solving
- A bachelor's degree (a master's degree would be preferred).

6.07.2 -Providing research based professional development in the areas of literacy and/or mathematics and/or science in grades Kindergarten through twelfth grade (K-12) as defined in the Arkansas Department of Education Regulations Governing Attendance at Certified Instructional Professional Development Sessions (Ark. Code Ann. § 6-17-702).

6.07.3 –Employing highly qualified classroom teachers in grades Kindergarten through twelfth grade (K-12) pursuant to the restrictions set forth in Section 6.06 of this Rule.

6.07.4 –Providing research-based before and after-school academic programs, including transportation to and from the programs.

6.07.5 –Providing research-based pre-kindergarten programs that meet the program standards as outlined in the Rules Governing the Arkansas Better Chance program.

6.07.6 —Employing Tutors:

6.07.6.1 Tutors must be able to demonstrate competency (as determined locally) in each area where instruction is provided.

6.07.6.2 Tutors must work under the supervision of highly qualified classroom teachers.

6.07.7 -Employing Teacher's Aides:

6.07.7.1 Teacher's aides must be highly qualified.

6.07.7.2 Teacher's aides must work under the direct supervision of highly qualified teachers.

6.07.8 Employing certified counselors, licensed social workers and/or nurses.

6.07.9 Employing Curriculum Specialists:

6.07.9.1 The Curriculum Specialists shall meet current licensure requirements that are outlined in the Rules Governing Initial and Standard Administrator Licensure.

6.07.10 -Providing parent education.

- 6.07.11 Providing summer programs that employ research-based methods and strategies.
- 6.07.12 Providing early intervention programs:
- 6.07.12.1 Early intervention means short-term, intensive, focused, individualized instruction developed from ongoing, daily, systematic diagnosis that occurs while a child is in the initial, kindergarten through grade one (K-1), stages of learning early reading, writing, and mathematical strategies to ensure acquisition of the basic skills and to prevent the child from developing poor problem-solving habits which become difficult to change.
- 6.07.13 Obtaining materials, supplies, and equipment, including technology, used in approved instructional programs or for approved purposes. The approved programs and or purposes support the local educational agency's ACSIP.
- 6.07.14 -Other activities approved by the Department that will further the purposes of this Section.
- 6.08 Use of these funds shall be included within the school and/or school district's -ACSIP. The ACSIP will include how the funds will be spent, the person(s) responsible, a timeline, and budget.
- 6.08.1 The district shall evaluate programs supported by NSLA funds annually to ensure that the programs are providing intervention/prevention services designed to increase student achievement.
- 6.08.2 The district shall maintain documentation that supports gains in student achievement as measured by the state assessment system.
- 6.09 NSLA funding may be carried over from one fiscal year to the next, but these funds shall remain restricted to priority areas as defined in this Rule or law.
- 6.10 -NSLA funding is restricted state aid, except as otherwise allowed by law or —Rule.
- 6.11 ~~Flexibility In Use of NSLA Categorical Funding~~ Use of Excess NSLA funds to supplement teacher salaries
- 6.11.1 ~~Bonuses—Only those s~~ School districts which that have met meet the needs of students for whom the additional categorical funds are provided, and that have following conditions as verified in writing by the Commissioner of Education (or his/her designee) shall be allowed to use excess NSLA funds, may request to use the excess NSLA funds to supplement teacher salaries under the following conditions: funding as a bonus to all classroom teacher salaries:
- 6.11.1.1 ~~The school district submits in writing on or before March 31 of the current school year the following:~~
- 6.11.1.1.1



6.11.1.1 ~~That the school district shall not use any portion of the NSLA categorical funds that are carry forward or reserve funds as a bonus~~ supplement to classroom teacher salaries.

~~6.11.1.1.2~~

6.11.1.2 ~~That the school district is meeting the minimum teacher salary schedule under § 6-17-2403 without using current year, carry forward or reserve NSLA funds;~~

~~6.11.1.1.3~~

6.11.1.3 That the school district is in full compliance with the rules and laws governing the Standards for Accreditation of Arkansas Public Schools under § 615-201 et seq. and the rules and laws governing the Arkansas Fiscal and Accountability Program under § 6-20-1901 et seq. without using current year, carry forward or reserve NSLA funds. No school district in probationary violation of the Standards of Accreditation or not in compliance with fiscal distress laws shall be allowed to use NSLA funds to pay a bonus to all classroom teachers as allowed in Section 6.11.1.

6.11.1.4 The school district shall not allocate or use any excess NSLA funds in any manner except to supplement teacher salaries.

6.11.1.5 Excess NSLA funds used to supplement teacher salaries shall not be considered a permanent obligation under the school district's teacher salary schedule.

6.11.2 A school district requesting to use excess NSLA funds as a supplement to teacher salaries shall provide the following information to the Commissioner of Education, or designee, by November 15 of the school year for which approval is requested:

6.11.2.1 A statement of assurance attesting to compliance with sections 6.11.1 of this Rule

6.11.2.2 A detailed description in the school district's comprehensive school improvement plan (ACSIP) describing how the school district will use its excess NSLA funds, including:

6.11.2.2.1 the program,

6.11.2.2.2 the amount of funds, and

6.11.2.2.3 the percent of excess funds used

6.11.2.3 The amount of excess NSLA funds used to supplement salaries above the required minimum salary schedule in the previous school year since 2006-2007, the total NSLA funds received in the previous school year since 2006-2007, and the percentage of NSLA funds used as a supplement above the required minimum salary schedule to total NSLA funds received.

6.11.2.4 If the percent of excess NSLA funds used as a supplement above the required minimum salary schedule to total NSLA funds received is greater than twenty percent (20%), the district shall comply with A.C.A. §6-20-2305(b)(4)(C)(ix)(a) and (b)(1)

6.11.2.5 A description of how the district has met the educational needs of students,

6.11.2.5.1 If the district requests to supplement teacher salaries as a bonus, the Commissioner shall evaluate the district's test scores against the state averages for the appropriate test scores

6.11.2.6 A description of how the districts has prudently managed the resources of the district

6.11.3 Upon review of the information required in Section 6.11.2, and any other information requested by the Department, if the Commissioner of Education, or designee, determines the school district has met the needs of students, has prudently managed its resources, and has complied with these Rules and the law, the Commissioner shall give written approval of the use of excess NSLA funds to supplement teacher salaries.

6.11.3.1 Such approval is limited to one school year.

~~6.11.1.1.4 The district submits a written detailed plan with the school district's Arkansas Comprehensive School Improvement Plan stating how the school district will use its excess NSLA current year funds as bonuses to all classroom teacher salaries; how the district has met the adequate educational needs of all the students in the district; that the school district has met the conditions and requirements of Section 6.11.1 of this rule and how the school district has prudently managed the resources of the district. In order to help verify this information, the districts shall, at a minimum, provide the following written information:~~

- ~~a. Total amount of NSLA funds held in balance by a school district; total amount of current year NSLA funds received by the district; total amount of current year NSLA funds applied to any bonus or salary of an employee of the district; names of those employees of the district who will receive a bonus or increase in salary from NSLA funds; percent of current year and total NSLA funds used as a bonus for classroom teachers.~~
- ~~b. A listing of all programs and actions and purpose of the programs which were funded by current year NSLA funds and funded by reserve or carry forward NSLA funds.~~
- ~~c. Staffing charts listing individual employees and their certification levels used to support the listed NSLA programs.~~

- d. A listing of the targeted participants of each NSLA program along with the targeted curriculum content area(s) to be addressed by the NSLA programs;
- e. Specific objectives for each NSLA programs;
- f. Outline of how the district will measure and monitor the performance of NSLA programs;
- g. Specify the measurement outcomes of each of the NSLA programs;
- h. Report whether the district is in academic distress or failing to make adequate yearly progress (AYP). If failing to make AYP, specify which subgroups are failing and how the district is using NSLA funds to address such failures; and
- i. A listing of the average student to teacher ratio for the school district.

6.11.2 No school district that is currently in probationary violation of the Standards for Accreditation or not in compliance with fiscal distress laws shall be allowed to use NSLA funds to pay bonuses to all classroom teacher salaries.

6.11.3 No school district shall use NSLA funds to pay a bonus to classroom teachers without first obtaining the express written approval of the Commissioner of Education or his/her designee.

6.11.4 The Commissioner of Education shall not provide written express approval to a school district to use current year NSLA funds as a bonus to all classroom teacher salaries without first determining:

6.11.4.1 That a school district has met the adequate educational needs of the students in the district;

6.11.4.2 That the district has met all the requirements of this rule and Act 1590 of 2007; and

6.11.4.3 That the district has prudently managed the resources of the district.

6.11.5 6.11.4 By September 15 On or before June 15 of each school year, any school district that received written approval to which was granted flexible use of NSLA funds under this rule as a supplement to teacher salaries in the previous school year shall issue a written report to the Commissioner of Education listing:

6.11.5.1 6.11.4.1 Each program upon which NSLA funds were expended;

6.11.5.2 6.11.4.2 The amount of NSLA funds expended on each program;

6.11.5.3 The actual NSLA programs that were implemented by the district which were listed in this rule;

6.11.5.4 The actual content of each program and whether instructional materials were issued to the students for each program;

6.11.5.5 The students and staff assigned to each NSLA program;

~~6.11.5.6 The relevant test score data on students assigned to the NSLA programs as required by the ADE;~~

~~6.11.5.7 A content description of all professional development used to support NSLA programs and providing a listing of all teachers and staff assigned to such professional development;~~

~~6.11.5.8 A report on current student progress and longitudinal student progress for each NSLA program;~~

~~6.11.5.9 A report reconciling the budget for NSLA programs to actual NSLA expenditures; and~~

~~6.11.5.10 The year-end balance of current year NSLA funds, carry forward or reserve NSLA funds and total NSLA funds.~~

~~6.11.6~~ 6.11.5 Upon review, at any time during a school year, of a school district's Comprehensive School Improvement Plan, those reports and information required by this rule, test or financial data or other indicators of a school district, if the Commissioner of Education or his/her designee determines a school district has not met the needs of students that may be served by NSLA funds, has provided false or misleading information or has failed to comply with the provisions of the district's submitted plans without obtaining ADE approval to change the submitted plans required by this rule, the Commissioner of Education may require that any and all NSLA funds dedicated for use or application as a bonus shall be removed from and not used as a bonus and may require the school district to redirect the NSLA funds to meet other educational needs of the students of that district.

~~6.11.7 Any excess NSLA funds used as a bonus to supplement the salaries of classroom teachers shall only be used as a non-recurring bonus to a classroom teacher's salary and shall not be considered a permanent obligation of the school district under the district's teacher salary schedule or as a contract obligation.~~

6.11. 8 Only those school districts which previously used or applied excess NSLA funds to supplement the teacher salary schedule for all classroom teachers in the district as part of a salary obligation may continue to use NSLA funds as a salary obligation to the extent the district has received approval from the Commissioner of Education under Section 6.12 and the district is in full compliance with this rule under Section 6.11 and Act 1590 of 2007.

#### ~~6.12 Flexibility In Use of NSLA Categorical Funding As a Salary Obligation~~

~~6.12.1 Salaries — Beginning with the 2007-2008 school year and each school year thereafter, only those school districts that used or applied NSLA funds as a salary supplement to the teacher salary schedule for all classroom teachers during the 2006-2007 school year as required under former § 6-202305(b)(4)(c)(i)(b) [repealed] may apply to continue to use or apply current year received NSLA funds to a salary obligation of the district as part of a teacher salary schedule under the following conditions:~~

~~6.12.1.1 For the 2007-2008 school year, districts shall submit as part of their ACSIP, the requisite detailed information, verification or plans required in Section 6.11 of these rules. Beginning in 2008-2009, on or before March 31 of the prior school year, the school district submits in writing the requisite detailed information, verification or plans required in Section 6.11 of these rules;~~

~~6.12.1.2 That the school district is subject to and otherwise meets all the other requirements of this rule (except where appropriate the district reports use of NSLA funds used for salaries rather than bonuses or both as may be applicable) of this rule and has received the express written approval of the Commissioner of Education (or his/her designee) to continue to use NSLA funds on a 20% reduction of actual amount of the NSLA funds used as a salary obligation from the prior school year until the district has no more than 20% of the total of any current year NSLA funds received by the district used as a supplement to any salary obligation for classroom teacher salaries; and~~

~~6.12.1.3 Each school district eligible to use NSLA funds as a salary obligation must apply for and receive approval each school year as required by this rule.~~

6.12.2 Each school district eligible under this rule is subject to the conditions and requirements of this rule (except where appropriate the district may be required to report required information on the use of NSLA funds as a salary obligation rather than a bonus to salaries or, in some instances, the district is required to report the proposed use of NSLA funds as both a salary obligation and a bonus to salaries as allowed by this rule).

6.12.3 Nothing in this rule shall be construed or deemed to prohibit those school districts eligible under this rule from also being eligible to apply for application of NSLA funds as a bonus to salaries under this rule, provided the district receives written approval as required by this rule and Act 1590 of 2007.

## **7.00 Special Needs - Professional Development**

7.01 The Professional Development funding amount shall be an amount up to the amount required by law times the district's ADM of the previous school year.

7.02 Professional Development funding shall be expended for approved programs and purposes identified in the Rules Governing Professional Development and employing literacy, mathematics, or science coaches as described in this Rule.

7.03 Districts may expend state Professional Development funding to provide the requisite hours of professional development required by Rule or law.

7.04 Professional Development funding is restricted state aid. Professional Development funding shall be spent on activities identified in this Rule, except as otherwise allowed by law or Rule.

7.05 Professional Development funding may be carried over from one fiscal year to the next, but these funds shall remain restricted to priority areas as defined in this Rule.

7.06 Professional Development activities and funding shall be included in the district's Arkansas Comprehensive School Improvement Plan (ACSIP).

**8.00 Financial Accounting for Special Needs Funding for ALE, ELL, NSLA, and Professional Development**

8.01 After having provided programs designed to meet the needs of students in the respective categorical funding areas, a school district may transfer and expend funds on any of the special needs categories allowed for in this Rule.

8.02 Special needs funding of ALE, ELL, NSLA, and Professional Development may be used for any of the expenditures identified in this Rule.

8.03 Districts shall report the funds received under each special needs funding category.

8.04 Districts shall report the expenditures of all special needs funds as required by law, including, but not limited to, fund balances remaining on June 30 of each year.

8.05 The funds received, transferred, expended, and/or carried over shall balance.

8.06 If the Department determines that a district would lose any federal funding due to these explicated expenditure requirements, the special needs funds may be expended for other academic programs or salaries, as permitted by the Department.

**ARKANSAS DEPARTMENT OF EDUCATION**  
**PROPOSED RULES IDENTIFYING AND GOVERNING**  
**THE ARKANSAS FISCAL ASSESSMENT AND ACCOUNTABILITY PROGRAM**  
August 2009

1.00 AUTHORITY

- 1.01 The Arkansas State Board of Education's authority for promulgating these rules is pursuant to Ark. Code Ann. § 6-11-105, Ark. Code Ann. § 25-15201 et seq., Ark. Code Ann. § 6-20-1901 et seq. Act 1467 of 2003, Act 741 of 2007, Act 1469, Section 11 of 2009, Act 798 of 2009, and Act 1289 of 2009.
- 1.02 These rules shall be known as the Arkansas Department of Education Rules Governing the Arkansas Fiscal Assessment and Accountability Program.
- 1.03 These rules will replace any former Arkansas Department of Education Rules Identifying and Governing School Districts and Education Service Cooperatives in Fiscal Distress previously adopted.

2.00 PURPOSE

- 2.01 The purpose of these rules is to establish how the Department and State Board will evaluate, assess, identify, classify and address those school districts and education service cooperatives in fiscal distress.

3.00 DEFINITIONS – For purposes of these rules, the following terms mean:

- 3.01 “Annexation”– the joining of an affected school district or districts or parts thereof with a receiving district pursuant to § 6-13-1401.
- 3.02 “Capital Outlay Expenditures” – Land, land improvements, buildings, infrastructure and equipment having a unit value of \$1,000 or more and a life expectancy of more than one year.
- 3.0~~3~~<sup>2</sup> “Consolidation” - the joining of two (2) or more school districts or parts thereof create a new resulting school district pursuant to § 6-13-1401.
- 3.0~~4~~<sup>3</sup> “Current Year Expenditures” - the total expenditures accruing to the combined teacher salary, operating, and debt service funds, excluding restricted funds.
- 3.0~~5~~<sup>4</sup> “Current Year Revenues” - the total revenues accruing to the combined teacher salary, operating, and debt service funds, excluding restricted funds.
- 3.0~~6~~<sup>5</sup> “Day” – a calendar day, regardless of whether it is a day the Department is conducting official governmental business.

- 3.0~~76~~ “Debt” – a legal liability, encumbrance or contract, including employment contracts, to be paid out of future revenues or current reserves of the district or cooperative.
- 3.0~~87~~ “Declining Balance” - the current year expenditures exceeding current year revenues.
- 3.0~~98~~ “Department” - the Arkansas Department of Education.
- 3.1~~009~~ “Education Service Cooperative” - The intermediate service units in the state’s elementary and secondary education system established by the State Board of Education pursuant to A.C.A. §6-13-101 et seq.
- 3.1~~140~~ “The Fiscal Distress Financial Improvement Plan (Plan)” - the written plan submitted by a district or cooperative classified in fiscal distress and approved by the Department to be implemented by the district or cooperative addressing each indicator of fiscal distress identified by the Department and the State Board with a specific corrective action plan and timeline.
- 3.1~~244~~ “Fiscal Distress Status” - to be identified by the Department and classified by the State Board as being in fiscal distress.
- 3.1~~342~~ “Fiscal Integrity” - to comply completely and accurately with financial management, accounting, auditing, and reporting procedures and facilities management procedures as required by state or federal laws and regulations in a forthright and timely manner.
- 3.1~~443~~ “Jeopardize” -to expose to loss or injury or peril.
- 3.1~~544~~ “Material Failure, Violation, Default, or Discrepancies” – an act, omission, event, circumstances or combination thereof that directly jeopardizes the fiscal integrity of a school district or education service cooperative. In other words, but for the material failure, violation, default, or discrepancy, the district’s or cooperative’s fiscal integrity would not be jeopardized.
- 3.16 “Non-Material Failure, Violation, Default, or Discrepancies” – An act, omission, event, circumstance, or combination thereof, that does not directly jeopardize the fiscal integrity of a school district or education service cooperative, but if not corrected could become material.
- 3.1~~745~~ “Public School or School District” - a public school or school district created or established pursuant to Title 6 of the Arkansas Code and subject to the Arkansas Comprehensive Testing Assessment and Accountability Program except specifically excluding those schools or educational programs created by or receiving authority to exist pursuant to A.C.A. §615-501; A.C.A. §9-28-205 and A.C.A. §12-29-301-310, or other provisions of Arkansas law.



- 3.~~1846~~ “School Year” - a school year beginning July 1 of one calendar year and ending June 30 of the following calendar year.
- 3.~~1947~~ “State Board” - the Arkansas State Board of Education.
- 3.~~2048~~ “Reconstitution” - the reorganization of the administrative unit or board of a school district or education service cooperative; including, but not limited to, the replacement or removal of a current superintendent or director, or the removal or replacement of a board or both.
- 3.~~2149~~ Restricted Funds – Funds accruing to the teacher salary, operating and debt service funds that can be used only for specific purposes as stated in law or in accordance with a grant award (such as NSLA, ALE, ELL, Professional Development).

4.00 SCHOOL DISTRICT INDICATORS OF FISCAL DISTRESS PURSUANT TO FISCAL ASSESSMENT AND ACCOUNTABILITY PROGRAM

- 4.01 A school district or education service cooperative meeting any of the following criteria may be identified by the Department to be in fiscal distress upon final approval by the State Board:
- 4.01.1 A declining balance determined to jeopardize the fiscal integrity of a school district or education service cooperative; or
- 4.01.2 An act or violation determined to jeopardize the fiscal integrity of a school district or education service cooperative, including without limitation:
- a. Material failure to properly maintain facilities;
  - b. Material violation of local, state, or federal fire, health, or safety code provisions or law;
  - c. Material violation of local, state, or federal construction code provisions or law;
  - d. Material state or federal audit exceptions or violations;
  - e. Material failure to provide timely and accurate legally-required financial reports to the Department, the Division of Legislative Audit, the General Assembly, or the Internal Revenue Service;
  - f. Insufficient funds to cover payroll, salary, employment benefits, or legal tax obligations;
  - g. Material failure to meet legally binding minimum teacher salary schedule obligations;
  - h. Material failure to comply with state law governing purchasing or bid requirements;
  - i. Material default on any debt obligation;
  - j. Material discrepancies between budgeted and actual expenditures;

- k. Material failure to comply with audit requirements; or
- l. Material failure to comply with any provision of the Arkansas Code that specifically places a school district or education service cooperative in fiscal distress based on noncompliance;

4.01.3 Any other fiscal condition of a school district or education service cooperative deemed to have a material detrimental negative impact on the continuation of educational services by that school district or education service cooperative.

4.01.4 In determining a declining balance trend, capital outlay expenditures for academic facilities will be excluded in order to project future fund balances.

#### 5.00 PROCESS AND PROCEDURE FOR CLASSIFICATION OF FISCAL DISTRESS STATUS

5.01 A school district or education service cooperative identified by the Department as being in fiscal distress shall be classified in fiscal distress upon final classification by the State Board.

5.02 A district classified as in fiscal distress shall be required to publish at least one (1) time for two (2) consecutive weeks in a newspaper of general circulation in the school district the school district's classification as a school district in fiscal distress and the reasons why the school district was classified as being in fiscal distress.

5.02.1 The district shall publish this announcement within 30 calendar days of the final classification by the State Board.

5.02.2 The newspaper of general circulation may be either a daily or weekly newspaper.

5.03 An education service cooperative, within two (2) weeks following the date the education service cooperative receives the final classification by the State Board of fiscal distress shall:

503.1 Notify in writing each public school district in its service area that the education service cooperative is classified as being in fiscal distress.

503.2 File with the Department a fiscal distress plan

5.04 The provisions of subdivisions 5.01 through 5.03 of this section are effective after the school district's or education service cooperative's appeal rights have been exhausted.

- 5.05 The decision of the State Board shall be a final order and there is no further right of appeal except the school district or education service cooperative may appeal to circuit court in Pulaski County pursuant to the Arkansas Administrative Procedures Act, A.C.A. § 25-15-201, et seq.

6.00 PROCESS AND PROCEDURE FOR NOTIFICATION OF FISCAL DISTRESS STATUS AND APPEAL

- 6.01 The Department shall provide written notice, via certified mail return receipt requested, to the president of the board and the superintendent or director of each school district or education service cooperative identified as being in fiscal distress.

6.01.1 The Department shall provide the notice to school districts on or before March 30 of each year.

6.01.2 At any time after March 30, the Department may identify a school district as being in fiscal distress if the Department discovers that a fiscal condition of a school district negatively impacts the continuation of educational services by the school district. If this identification occurs, the department shall immediately provide the same notice described in 6.01.

6.01.03 The Department shall provide the notice to education service cooperatives within ten (10) calendar days of identification.

- 6.02 Any school district or education service cooperative identified in fiscal distress status may appeal to the State Board by filing a written appeal, with the Office of the Commissioner of Education, by certified mail return receipt requested, within thirty (30) calendar days of receipt of notice of being identified in fiscal distress status from the Department.

- 6.03 The State Board shall hear the appeal within sixty (60) calendar days of receipt of the written notice of appeal from the school district or education service cooperative.

- 6.04 The written appeal shall state, in clear terms, the reason why the school district or education service cooperative should not be classified as in fiscal distress.

- 6.05 Notwithstanding any appeal rights in this subchapter, no appeal shall stay the Department's authority to take action to protect the fiscal integrity of any school district or education service cooperative identified as in fiscal distress.

7.00 FISCAL DISTRESS IMPROVEMENT PLAN PURSUANT TO FISCAL ASSESSMENT AND ACCOUNTABILITY PROGRAM

7.01 Those school districts classified by the State Board as being in fiscal distress shall file, with the Department within ten (10) calendar days after the final classification, a written fiscal distress financial improvement plan to address any area in which the school district is experiencing fiscal distress as identified by the Department. Education service cooperatives shall file such plan within two (2) weeks following final classification.

7.01.1 The plan shall contain, at a minimum, the following elements:

- a. Identification of each indicator
- b. Specific corrective action steps for each indicator
- c. Timeline for each corrective action step
- d. Additional action steps the district or education service cooperative proposes to take
- e. Timeline for each additional action step the district or education service cooperative proposed

7.01.2 The Department is authorized to review and amend the plan submitted by the school district or education service cooperative.

7.01.3 The Department may edit, amend, update, or replace the plan at any time deemed appropriate.

7.01.4 The district or education service cooperative shall be given notice of the edited, amended, updated, or replacement plan criteria.

7.01.5 The district or education service cooperative may appeal any edit, amendment or replacement of a plan by filing its written notice of appeal (which must include an explanation of its concerns) with the Commissioner of Education's Office within ten (10) calendar days of receipt of the notice required in 7.01.4. The appeal shall be heard at the next State Board meeting, and the State Board's decision shall be final.

- 7.02 Each school district or education service cooperative shall first seek and obtain approval of its plan from the Department and shall describe how the school district or education service cooperative will remedy those areas in which the school district or education service cooperative is experiencing fiscal distress and shall establish the time period by which the school district or education service cooperative will remedy all criteria which placed the school district or education service cooperative in fiscal distress status.
- 7.03 A school district or education service cooperative in fiscal distress may only petition the State Board for removal from fiscal distress status after the Department has certified in writing that the school district or education service cooperative has corrected all criteria for being classified as in fiscal distress and has complied with all Department recommendations and requirements for removal from fiscal distress.
- 7.04 No school district or education service cooperative shall be allowed to remain in fiscal distress status for more than two (2) consecutive school years beginning with the July 1 subsequent to the date the school district or education service cooperative was identified as being in fiscal distress status.
- 7.05 Any school district or education service cooperative classified as being in fiscal distress status shall be required to receive on-site technical evaluation and assistance from the Department.
- 7.06 The Department shall evaluate and make recommendations to the superintendent or director regarding staffing and fiscal practices of the district or education service cooperative.
- 7.07 The recommendations of the Department shall be binding on the district, education service cooperative, the superintendent or director, and the board of the district or cooperative.
- 7.08 Every six (6) months, the Department shall submit a written evaluation on the status of each school district and education service cooperative in fiscal distress to the State Board.

## 8.00 PRIOR APPROVAL OF DEBT

- 8.01 No school district or education service cooperative classified in fiscal distress may incur any debt without the prior written approval of the Department.

## 9.00 DEPARTMENT ASSISTANCE AND INTERVENTION IN FISCAL DISTRESS:

- 9.01 In addressing school districts and education service cooperatives in fiscal distress, the Department may take any number of the following actions:
  - 9.01.1 Require the superintendent or director to relinquish all administrative authority with respect to the school district or education service cooperative;
  - 9.01.2 Appoint an individual in place of the superintendent or director to administratively operate the school district or education service cooperative under the supervision and approval of the Commissioner of Education, and to compensate non-department agents operating the school district or education service cooperative from school district or education service cooperative funding;
  - 9.01.3 Call for the temporary suspension of the local school board;
  - 9.01.4 Require the school district to operate without a local school board under the supervision of the local superintendent or an individual or panel appointed by the Commissioner of Education;
  - 9.01.5 Place the administration of the school district over to the former board or to a newly elected school board; or
  - 9.01.6 Take any other action allowed by law that is deemed necessary to assist a district or cooperative in removing criteria of fiscal distress.
- 9.02 The Department may impose various reporting requirements on the school district or education service cooperative. The Department may review any and all school district or education service cooperative records and documents.
- 9.03 The Department shall monitor the fiscal operations and accounts of the school district or education service cooperative.
- 9.04 The Department shall require school district board members and employees of school districts and education service cooperatives to obtain fiscal instruction or training in areas of fiscal concern for the school district or education service cooperative at the school district's or education service cooperative's expense.

10.00 STATE BOARD AUTHORITY REGARDING SCHOOL DISTRICTS:

- 10.01 After providing thirty (30) calendar days written notice, via certified mail return receipt requested, to a school district, the Department may petition the State Board or the State Board may on its own motion, at any time, take action for the consolidation, annexation, or reconstitution of a school district in fiscal distress or take other appropriate action as allowed by Act 1467 of 2003 in order to secure and protect the best interest of the educational resources of the state or provide for the best interests of students in the school district. The school district shall have a right of appeal to a public hearing before the State Board as provided herein.
- 10.02 The State Board may approve the petition or take other appropriate action as allowed by law.
- 10.03 The State Board shall consolidate, annex, or reconstitute any school district that fails to remove itself from the classification of a school district in fiscal distress within two (2) consecutive school years of receipt of notice of identification unless the State Board, at its discretion, issues a written finding supported by a majority of the board, explaining in detail that the school district could not remove itself from fiscal distress due to impossibility caused by external forces beyond the school district's control.
  - 10.03.1 The two (2) consecutive school years shall commence the July 1 subsequent to classification by the State Board.
- 10.04 After a public hearing, the State Board shall consolidate, annex, or reconstitute the school district in fiscal distress to another school district or school districts upon a majority vote of a quorum of the members of the State Board, as permitted or required by this subchapter.
- 10.05 The State Board has exclusive jurisdiction to determine the boundary lines of the receiving or resulting school district and to allocate assets and liabilities of the district.
- 10.06 The decision of the State Board shall be final with no further right of appeal, except a school district may appeal to circuit court in Pulaski County pursuant to the Arkansas Administrative Procedures Act, § 25-15201, et seq.

11.00 STATE BOARD AUTHORITY REGARDING EDUCATION SERVICE COOPERATIVES

- 11.01 After providing thirty (30) calendar days written notice, via certified mail, return receipt requested, to an education service cooperative, the Department may petition the State Board to classify an education service cooperative being in fiscal distress, or the State Board may on its own motion, at any time, classify an education service cooperative as being in fiscal distress. The State Board may take other action as allowed by Act 1289 of 2009 in order to secure and protect the best interest of the educational resources of the State or provide for the best interests of school districts served by the education service cooperative. The education service cooperative shall have a right of appeal to a public hearing before the State Board as provided herein.
- 11.01.1 The education service cooperative may lodge an appeal by filing a written appeal with the Commissioner of Education by certified mail, return receipt requested, within thirty (30) days of the education service cooperative receiving notice of the identification of fiscal distress.
- 11.01.2 The written appeal shall state in clear terms the reason why the education service cooperative should not be classified as being in fiscal distress.
- 11.01.3 The State Board shall hear the appeal within sixty (60) days of receipt of the written notice of appeal.
- 11.01.4 The decision of the State Board on the appeal is a final order.
- 11.01.5 There is no further right of appeal except to Pulaski County Circuit Court pursuant to the Arkansas Administrative Procedure Act, A.C.A. § 25-15-201 et seq.
- 11.02 The State Board may approve the petition or take other appropriate action as allowed by law
- 11.03 Every six (6) months during which the education service cooperative is classified as being in fiscal distress, the Department shall submit to the State Board a written evaluation on the fiscal status of the education service cooperative.



## 12.00 EARLY INDICATORS OF FISCAL DISTRESS – SCHOOL DISTRICTS

- 12.01 By August 31 of each year, the Department shall report to the superintendent of a school district if the department is aware that the district has experienced two (2) or more indicators of fiscal distress in one (1) school year that the Department deems to be at a nonmaterial level, but that without intervention could place the district in fiscal distress.
- 12.02 By August 31 of each year, the superintendent of a school district shall report to the Department if the superintendent is aware the school district has experienced two (2) or more indicators of fiscal distress in one (1) school year that the superintendent deems to be at a nonmaterial level, but that without intervention could place the district or in fiscal distress.
- 12.03 The Department and the superintendent shall review all data related to the nonmaterial indicators of fiscal distress.
  - 12.03.1 Within thirty (30) days of the Department's determination that the school district may be experiencing fiscal distress at a nonmaterial level, the Department shall provide a notice to the school district's superintendent director and board of directors that:
    - 12.03.1.1 Describes the nonmaterial indicators of fiscal distress that could jeopardize the fiscal integrity of the school district if not addressed.
    - 12.03.1.2 Identifies the support available from the Department to address each nonmaterial indicator of fiscal distress.
    - 12.03.1.3 The board of directors shall place on the agenda for the next regularly scheduled meeting of the board of directors a discussion of the notice of nonmaterial indicators of fiscal distress.

**Arkansas Department of Education  
Proposed Rules Governing Reimbursement by School Districts for  
Election Expenses  
July 2009**

**1.00 Regulatory Authority**

These rules are promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-14-118, and Act 292 of the 2009 regular session.

**2.00 Purpose**

This rule shall apply to all school districts and establishes the procedures to be used to determine the reimbursement amount that districts shall pay to the county to assist with the cost of school elections.

**3.00 Procedures**

3.01 This rule shall apply to all annual and special school elections.

3.02 Beginning with the 2009-2010 school year and each year thereafter, school districts in the county shall reimburse the county for the cost of the school election less expenses incurred for election officials at individual polling places.

3.03 Each district's share of the total cost of the school election shall be determined by multiplying the total cost of the election by a fraction, the numerator of which is the number of votes cast in the specific school election and the denominator of which is the total number of votes cast in the entire election.

3.04 Expenses incurred for election officials at individual polling places shall be paid by the school district in which the polling place is located.

3.05 Districts shall pay the expenses for all annual or special elections from the school operating fund.

**Arkansas Department of Education**  
**Rules Governing the Calculation of Arkansas Smart Core Incentive Funding**

**October 12, 2009**

**1.00 Authority**

- 1.01 The Arkansas State Board of Education's authority for promulgating these Rules is pursuant to Ark. Code Ann. §§ 6-11-105 and 6-15-215 and Act 1481 of the 2009 Regular Session.
- 1.02 These Rules shall be known as the Arkansas Department of Education Rules Governing the Calculation of Arkansas Smart Core Incentive Funding (Rules).

**2.00 Purpose**

- 2.01 The purpose of these Rules is to provide the calculation method for Smart Core Incentive Funding for public school districts.

**3.00 Definitions**

- 3.01 Eligible High School means each public high school in a school district that meets the criteria to receive Smart Core Incentive Funding under Act 1481 of the 2009 Regular Session and these Rules.
- 3.02 Smart Core means the curriculum established by the Arkansas Department of Education (ADE) under the Standards for Accreditation of Arkansas Public Schools and School Districts that is part of Smart Future, a state initiative focused on improving Arkansas public high schools for all students.
- 3.03 Smart Core Graduate means a student who graduated from an Arkansas public high school after having successfully completed the Smart Core curriculum.

**4.00 Smart Core Incentive Funding Calculation Method**

- 4.01 A school district that receives funding under Act 1481 of the 2009 Regular Session shall provide the incentive funding to each eligible high school in the school district.
- 4.02 The eligible high school shall spend the incentive funding only for the purposes listed below, as identified in Act 1481 of the 2009 Regular Session:
  - 4.02.1 Assist with a public high school's efforts to encourage public high school students to complete the Smart Core curriculum; and
  - 4.02.2 Promote programs that contribute to student success, including without limitation:

- 4.02.2.1 Tutoring;
  - 4.02.2.2 Quality after-school and summer programs that may include the College Preparatory Enrichment Program (CPEP), literacy, math, and science specialists in elementary school; and
  - 4.02.2.3 Professional development for mathematics, science, literacy, foreign language, and Advanced Placement instruction; and
- 4.02.3 Provide support to school counselors to improve student services.
- 4.03 A school district that receives incentive funding under this program shall not use the incentive funding to provide increases to the salary schedule of the school district.
- 4.04 The ADE shall make the calculation based on a student record analysis conducted annually by the ADE beginning with a student record analysis of the graduation class of 2010.
- 4.05 The ADE shall exclude from the student record analysis a student with an individualized education program that does not require the student to complete the Smart Core curriculum.
- 4.06 By June 30 of each year, the ADE shall pay Smart Core Incentive Funding as follows:
  - 4.06.1 In the preceding school year, if one hundred percent (100%) of a public high school's graduates completed the Smart Core curriculum, the school district where the public high school is located shall receive one hundred twenty-five dollars (\$125) per Smart Core graduate.
  - 4.06.2 In the preceding school year, if at least ninety-five percent (95%) but less than one hundred percent (100%) of a public high school's graduates completed the Smart Core curriculum, the school district where the public high school is located shall receive one hundred dollars (\$100) per Smart Core graduate.
  - 4.06.3 In the preceding school year, if at least ninety percent (90%) but less than ninety-five percent (95%) of a public high school's graduates completed the Smart Core curriculum, the school district where the public high school is located shall receive fifty dollars (\$50) per Smart Core graduate
  - 4.06.4 In the preceding school year, if less than ninety percent (90%) of a public high school's graduates completed the Smart Core curriculum, the school district is not eligible to receive Smart Core Incentive Funding.

- 4.07 In the preceding school year, if a public high school's graduation rate falls below the average graduation rate for the public high school for the previous three (3) school years, the school district is not eligible to receive the full incentive award under the program for the public high school. The incentive funding will be reduced by the percentage that the high school's graduation rate in the preceding school year fell below the average of its graduation rate for the previous three (3) school years.
- 4.08 Participation in the Arkansas Smart Core Incentive Funding Program is voluntary.
- 4.09 The first annual funding calculation, based on the student record analysis of the graduation class of 2010, will be made by June 30, 2011.
- 4.10 Subject to an appropriation and available funding for the program, the Smart Core Incentive Funding Program is effective from July 1, 2009 through June 30, 2020.

**ARKANSAS DEPARTMENT OF EDUCATION  
PROPOSED RULES GOVERNING PUBLIC SCHOOL  
END-OF-COURSE ASSESSMENTS AND REMEDIATION**  
October 2009

1.0     AUTHORITY

1.01     These Rules are promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-15-419, 6-15-433, 6-15-2009 (as amended by Act 1307 of 2009) and § 25-15-201 et seq.

2.0     PURPOSE

2.01     The purpose of these Rules is to execute the requirements of the Arkansas End-Of-Course Assessments and Remediation Program as required by § 6-15-2009.

3.0     DEFINITIONS – For the purpose of these Rules, the following terms mean:

3.01     ACT means the ACT assessment for college placement administered by ACT, Inc;

3.02     Advanced placement test means the test administered by the College Board for a high school preparatory course that incorporates the topics specified by the College Board on its standard syllabus for a given subject area and is approved by the College Board;

3.03     Arkansas Department of Education (ADE) – That certain state agency, established pursuant to Ark. Code Ann. § 25-6-102, that is responsible for administering the statewide assessment system in Arkansas K-12 grade public schools, including but not limited to those assessments set forth in Ark. Code Ann. §§ 6-15-419,6-15-433, 6-15-2009, and 6-15-2010.

3.04     Assessment-An examination instrument designed to measure certain levels of knowledge; as measured by established requisite scale-scores, for those academic courses that are the subject of End-of-Course testing as required by these Rules.

3.05     General end-of-course assessment means a criterion-referenced assessment taken upon successful completion of a course of study set by the State Board of Education (SBE):

3.05.1   To determine whether a student demonstrates, according to a requisite scale score established by ADE Rules, attainment of sufficient knowledge and skills to indicate a necessary and satisfactory mastery of the subject level content in that

end-of-course assessment; and

3.05.2 For which failure to meet that requisite scale score requires sufficient remediation before a student is entitled to receive full academic credit for the course.

3.06 High-stakes end-of-course assessment means a criterion-referenced assessment taken upon the successful completion of both the Algebra I and the English II course of study under § 6-15-433 (b)(3)(A)(iii):

3.06.1 To determine whether a student demonstrates, according to a requisite scale score established by rule of the SBE, attainment of sufficient knowledge and skills to indicate a necessary and satisfactory passing standard of the subject level content in that particular end-of-course assessment; and

3.06.2 For which failure to meet the requisite scale score requires that the student shall not receive academic credit for the course of study for which the assessment was taken until the student meets the requisite scale score on the initial, a subsequent, or an alternative high-stakes end-of-course assessment as allowed or required by Arkansas law or by ADE Rules.

3.07 Individualized Education Program (IEP) means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with 34 CFR 300.320-300.324.

3.08 Individualized Academic Improvement Plan (IAIP) means a written plan detailing supplemental or intervention and remedial instruction, or both, in deficient areas for any student who has not met the requisite scale score on a high-stakes end-of-course assessment. The requirements for an IAIP are set forth in detail in §§ 5.12 and 5.15 of these Rules.

3.09 International Baccalaureate assessment means an assessment administered by the International Baccalaureate Organization for a course offered under the International Baccalaureate Diploma Program;

3.10 SAT means the college entrance examination known as the “Scholastic Assessment Test” administered by the College Board.

#### 4.0 GENERAL END-OF-COURSE ASSESSMENTS

4.01 Each and every student attending an Arkansas public school shall participate in the statewide program of educational assessments required in §§ 6-15-419, 6-15-433, 6-15-2009 and 6-15-2010 and established by the SBE.

- 4.02 Each and every student shall participate in the actual course and the statewide program of general end-of-course assessments as designated by the SBE.
- 4.03 Beginning with the 2009-2010 school year and each school year thereafter, each and every student required to participate in the statewide program of educational assessments required by § 6-15-2009 shall not receive credit on his/her transcript for Biology , Geometry, or any other course that requires a general end-of-course assessment under §§ 4.01 and 4.02 of these Rules for which that student has not received the requisite scale score on a general end-of-course assessment(s) until the student is identified as having participated in remediation through an individual academic improvement plan.
- 4.04 The individualized academic improvement plan shall include remediation activities focused on those areas of need for students who failed to meet the requisite score on a general end-of-course assessment.
- 4.05 For the purpose of a general end-of-course assessment, remediation does not require that a student retake a subsequent end-of-course assessment in order to receive academic credit for a course.
- 5.0 HIGH-STAKES END-OF-COURSE ASSESSMENTS – DISTRICT OBLIGATIONS
- 5.01 Beginning with the 2009-2010 school year and each school year thereafter, all initial high-stakes end-of-course assessments for Algebra I shall be administered by grade ten (10).
- 5.02 Beginning with the 2013-2014 school year and each school year thereafter, all initial high-stakes end-of-course assessments for English II shall be administered by grade ten (10).
- 5.03 A student from an Arkansas public school who completed and received academic credit on an end-of-course assessment for Algebra I before the 2009-2010 school year or for English II before the 2013-2014 school year is not required to participate in and receive academic credit from a high-stakes end-of-course assessment on or after the 2009-2010 school year for Algebra I or on or after the 2013-2014 school year for English II.
- 5.04 A student transferring into an Arkansas public school on or after 2009-2010 for Algebra I or 2013-2014 for English II whose official transcript from an out-of-state public, private, or home school, or an Arkansas private or home school demonstrates that he or she has previously obtained academic credit for Algebra I or English II is not required to



participate in and receive academic credit from an initial high-stakes end-of-course assessment unless the public school district assesses the student's educational status and determines that the student does not possess the requisite passing knowledge of Algebra I or English II.

- 5.05 Beginning with the 2009-2010 school year, an Arkansas public school student who is not in grade ten (10), grade eleven (11), or grade twelve (12) in an Arkansas public school, and has not previously received proper academic credit on his or her transcript for Algebra I but has successfully completed an Algebra I course is required to complete and successfully meet the requisite passing level scale score on the high-stakes end-of-course assessment for Algebra I before the student is entitled to receive academic credit on his or her transcript for Algebra I.
- 5.06 Only a student who is in grade ten (10), grade eleven (11), or grade twelve (12) in an Arkansas public school in the 2009-2010 school year is exempt from the requirement of taking a high-stakes Algebra I end-of-course assessment under § 5 of this rule, but the student shall meet appropriate general end-of-course assessment requirements for Algebra I in § 4 of this rule.
- 5.07 Any other student, regardless of the school year or the grade level in which he or she completes an Algebra I course or, beginning with the 2013-2014 school year, the English II course shall successfully complete an Algebra I and English II high-stakes end-of-course assessment and meet the requisite passing scale score in order to be entitled to receive academic credit for Algebra I or English II on the student's transcript, unless exempted under an IEP.
- 5.08 The Arkansas public school providing course instruction in Algebra I and English II shall ensure that such instruction is provided in complete compliance with all required and approved frameworks, and shall be prepared to provide documentation of such compliance to the ADE upon request.
- 5.09 A student transferring into an Arkansas public school district without having obtained academic credit on his or her transcript in or after the 2009-2010 school year for Algebra I and in or after the 2013-2014 school year for English II is not exempt from the requirements of § 5.07 of these Rules.
- 5.10 Beginning with the 2013-2014 school year, an Arkansas public school student who is in grade ten (10) and who has not previously received academic credit under §§ 5.01 through 5.04 of these Rules for English II shall successfully complete the course and meet the requisite

passing scale score on the English II high-stakes end-of-course assessment in order for the student to be entitled to receive academic credit for English II on the student's transcript.

- 5.11 A student who does not meet the requisite scale score on the relevant high-stakes end-of-course assessment shall participate in an IAIP.
- 5.12 An IAIP shall include research-based remediation activities and multiple opportunities for the student to take and pass subsequent high-stakes end-of-course assessments as long as the student remains enrolled in an Arkansas public school and has not reached twenty-one (21) years of age.
- 5.13 If after two subsequent high-stakes end-of-course assessments a student does not meet the requisite passing scale score on the high-stakes end-of-course assessment, the student shall participate in strand analysis or formative analysis remediation provided and supported by the ADE before taking a third subsequent high-stakes end-of-course assessment.
- 5.14 Subsequent high-stakes end-of-course assessments and associated remediation programs may be administered in an electronic format.
- 5.15 For a student required to participate in an IAIP in § 5.11 of these Rules, the IAIP shall identify the student's specific areas of deficiency on the high-stakes end-of-course assessment, the desired levels of performance necessary for the student to meet the requisite passing scale score established by rule of the SBE, and the instructional and support services to be provided to meet the desired levels of performance. The IAIP is to be provided in an electronic format of a type specified by the ADE at a site specified by the ADE.
- 5.16 A public school shall also provide frequent monitoring of the student's progress in meeting the desired levels of performance.
- 5.17 Remedial activities and instruction provided during high school shall not be in lieu of English, mathematics, science, history, or other core courses required for graduation.
- 5.18 Beginning with the 2009-2010 school year for Algebra I and the 2013-2014 school year for English II, a student identified as not passing an initial high-stakes end-of-course assessment shall not receive an academic credit on his or her transcript for the course related to the end-of-course assessment and is not entitled to graduate from an Arkansas public high school until:

5.18.1 The student has received remediation and is identified as meeting the requisite passing scale score on a subsequent high-stakes end-of-course assessment; or

5.18.2 The student has received remediation and is identified as meeting the requisite score established by state board rule on an alternative assessment.

(i) An alternative assessment shall be limited to ACT assessment, SAT assessment, advanced placement test, or International Baccalaureate test.

5.19 A student identified as having not met the satisfactory pass levels for a high-stakes end-of-course assessment shall not receive academic credit on his or her transcript for the related course until the student meets the requirements of § 5.18 of these Rules.

## 6.0 HIGH-STAKES END-OF-COURSE ASSESSMENT - STATE OBLIGATIONS

6.01 If a student does not meet the requisite scale score on an end-of-course assessment and does not satisfy the remedial requirements of § 4.0 of these Rules for general end-of-course assessments and § 5.18 of these Rules for high-stakes end-of-course assessments, the student shall not be entitled to graduate with a high school diploma from an Arkansas public high school or public charter school.

6.02 The SBE shall establish the high-stakes end-of-course assessment program required in §§ 5.01 through 5.17 of these Rules for Algebra I beginning in the 2009-2010 school year and for English II beginning in the 2013-2014 school year.

6.03 Throughout this process, the end-of-course assessment program shall be maintained in such a manner as to meet the requirements of state and federal law, including the full range of students with disabilities.

6.04 The superintendent of each public school district shall be responsible for the proper administration of § 6-15-2009 and these Rules promulgated by the ADE to implement the requirements of § 6-15-2009.

6.05 To the extent that a public school district is determined to have knowingly failed to administer these provisions of applicable law or these Rules, the superintendent's license shall be subject to probation, suspension, or revocation under § 6-17-410.

6.06 Each year the ADE shall make public at least fifty percent (50%) of the test questions on the most recent initial end-of-course assessments.

## 7.0 END-OF-COURSE & ALTERNATIVE EXAM TESTING CYCLE

7.01 The ADE shall establish and publish by Commissioner's Memo each school year an end-of-course assessment cycle for general end-of-course assessments and high-stakes end-of-course assessments that shall be strictly followed by school districts unless a district has received a written waiver from the ADE because of a catastrophic occurrence.

7.02 The end-of-course assessment cycle published by the ADE shall include an assessment cycle for those students who do not meet the requisite scale score for high-stakes end-of-course assessment and are required by § 6-15-2009 to take and pass a subsequent end-of-course assessment before receiving academic credit on the student's transcript for the course that corresponds to the initial end-of-course assessment.

7.03 The ADE shall prepare and develop the form of the end-of-course assessments and subsequent end-of-course assessments, along with any and all documents, manuals, forms and protocols necessary for the proper administration, completion, submission and scoring of the assessment. The assessment shall be composed of sections that may include both multiple choice and open-response test items.

7.04 Any and all Arkansas laws and ADE Rules covering test administration, security and confidentiality that apply to examinations given in Arkansas public schools from K-12 grade shall apply in full to all end-of-course assessments and Alternative Assessments set forth under § 6-15-2009.

7.05 Starting with the school year 2009-2010 and each school year thereafter, the ADE shall take steps to ensure that the end-of-course assessments are properly aligned with state standards and that professional development training is available for teachers teaching courses for which an end-of-course assessment is required.

7.08 In administering the assessments under § 6-15-2009, the district shall provide state-approved accommodations for students with state-recognized disabilities and for English language learners as allowed by law and ADE Rules.

## 8.0 END-OF-COURSE & ALTERNATIVE ASSESSMENT PASS REQUIREMENTS

8.01 Each school year the ADE shall establish and promulgate by way of these

Rules the requisite scale score requirement for any Arkansas public school student taking each general or high-stakes end-of-course assessment and Alternative Assessment.

- 8.02    The requisite scale score for any high-stakes end-of-course assessment and Alternative Assessment shall be set only at the cut score necessary to demonstrate the minimum satisfactory passing level of the subject assessed.
- 8.03    Upon the failure of a student to meet the requisite scale score on an initial or subsequent end-of-course assessment required by § 6-15-2009, the school district that the student attends shall provide written notice of such failure to the student's parent or guardian within fifteen (15) business days from the date that the district receives the student's score.
- 8.04    If a student with disabilities identified under the Individuals with Disabilities Act, 20 U.S.C. §1400 et seq., is unable to meet the requirements of § 6-15-2009 because of the nature of his/her disabilities, the student may graduate from high school by demonstrating alternative levels of competency as contained in the student's IEP.

~~Arkansas Department of Education  
Rule Governing Waivers of the Earnings Limitations  
Under the Teacher Retirement System  
September 2007~~

~~1.00 — Legislative Authority~~

~~1.01 — These regulations shall be known as the Arkansas Department of Education (ADE) Rules Governing Waivers of the Earnings Limitations Under the Teacher Retirement System.~~

~~1.02 — These regulations are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. §§ 24-7-708(f), 24-7-502, 6-11-105, 25-15-201 et. seq., and Acts 612 and 698 of 2007.~~

~~2.00 — Purpose~~

~~It is the purpose of these regulations to establish the conditions and procedures for requesting from the Board of Trustees of the Teacher Retirement System, or its designee, a Waiver of the Earnings Limitation under Ark. Code Ann. § 24-7-708 (f) and Ark. Code Ann. § 24-7-502, and Acts 612 and 698 of 2007.~~

~~3.00 — Definitions~~

~~3.01 — Academic Distress: Means any public school district failing to meet the minimum level of academic achievement on the state mandated criterion referenced examinations as required by the state board pursuant to Ark. Code Ann. §6-15-419(28).~~

~~3.02 — Critical Academic Areas: Academic areas identified annually by the State Board of Education as being critical academic teacher shortage areas.~~

~~3.03 — Commissioner: The Commissioner of the Department of Education.~~

~~3.04 — Earnings Limitation: As outlined in Arkansas Code Ann. § 24-7-708, the maximum amount that a retirant employed by a public employer whose employees are covered by the Arkansas Teacher Retirement System can earn during a twelve-month period ending June 30. The earnings limitation rate is established annually by the Arkansas Teacher Retirement System Board of Trustees.~~

~~3.05 — Fiscal Distress: Means a public school district determined by the department and classified by the State Board of Education as being placed in fiscal distress status pursuant to this subchapter; Ark. Code Ann. §6-20-1903.~~

~~3.06 — Standard of Accreditation Probationary Status: Means that status assigned to any public school district or school that is deemed by the State Board of Education to have failed to meet the Arkansas Standards of Accreditation beyond a citation violation pursuant to Ark. Code Ann. § 6-15-201 et seq.~~

~~3.07 — Retirant: A person currently receiving retirement benefits from the Arkansas Teacher Retirement System.~~

- ~~3.08 — Waiver: An approval of a set of conditions under which a retirant will not be held to the Earnings Limitation as defined by the Arkansas Teacher Retirement System Board of Trustees.~~
- ~~4.00 — Waivers for the Earnings Limitations may be requested under the following conditions:—~~
- ~~4.01 — A school district which is without a superintendent due to a reconstitution or reorganization of a public school district as allowed in Ark. Code Ann. § 6-15-201 et seq., Ark. Code Ann. § 6-15-401 et seq., or § 6-20-1901 et seq., following an appropriate determination by the State Board of Education that:~~
- ~~4.01.1 — The public school district has failed to meet the standards of accreditation pursuant to Ark. Code Ann. §6-15-201 et seq.; or~~
- ~~4.01.2 — The public school district is in academic distress status for failing to meet the minimum level of academic achievement on the state mandated criterion-referenced examinations as required by the State Board of Education pursuant to Ark. Code Ann. §6-15-401 et seq.; or~~
- ~~4.01.3 — The public school district is in fiscal distress status pursuant to Ark. Code Ann. §6-20-1901 et seq.; and~~
- ~~4.01.4 — An appropriately qualified applicant, as determined by the Department of Education, who is not an ATRS covered retirant is not available to be employed.~~
- ~~4.02 — A school district desires to hire a retirant to teach in one of the critical academic teacher shortage areas identified by the State Board of Education.~~
- ~~5.00 — Limitations~~
- ~~5.01 — Waivers of earnings limitations will be requested annually and shall be effective until the end of that fiscal year.~~
- ~~5.02 — A Waiver of Earnings Limitation must be requested within thirty days of employment.~~
- ~~5.03 — To be eligible for an Earnings Limitation Waiver under § 4.02 of this rule, the retirant must be certified in the content area assigned.~~
- ~~5.04 — Waiver of Earnings Limitation may only be granted due to a teacher shortage in a critical academic content area in a public school district as allowed in § 4.02 or due to a vacancy in a superintendent's position in the situation of a reconstitution or reorganization of a public school district as allowed in § 4.01 of this rule.~~
- ~~Waivers of Earnings Limitations may be requested and renewed annually for up to a total of six (6) years for each individual retirant.~~
- ~~5.05 — A member of the Arkansas Teacher Retirement System must have terminated covered employment for at least 30 days before being eligible to apply for a Waiver of the Teacher Retirement Earnings Limitation.~~

~~5.06 — A retirant cannot be hired under the Earnings Limitation Waiver to teach the exact position vacated by the retirant to the extent that this action would violate any current existing provision and/or laws governing pension funds regulated by the Internal Revenue Service.~~

~~6.00 — Procedures~~

~~6.01 — Application letters requesting a Waiver of Earnings Limitation shall be submitted in writing to the Commissioner. The application letter shall include:~~

- ~~a. — A justification of the need for the waiver.~~
- ~~b. — Documentation that a currently licensed and/or appropriately qualified applicant who is not a retirant was not available to be employed.~~
- ~~c. — The retirant to be employed.~~
- ~~d. — The length of time the retirant is to be employed.~~

~~6.02 — The Commissioner shall make the request for the waiver of earnings limitation to the Teacher Retirement System Board of Trustees or its designee.~~

~~6.03 — No payment for services rendered by any retirant(s) under the conditions of the waiver can occur prior to the effective approval date of the Waiver of Earnings Limitation.~~

~~6.04 — The final decision regarding the granting of the waiver will rest with the Board of Trustees of the Teacher Retirement System or its designee.~~

~~6.05 — School districts shall maintain audit files, which list personnel receiving waivers and provide documentation regarding the justification for the waiver.~~

~~6.06 — Beginning July 1, 2005, for any retirant granted an Earnings Limitation Waiver, the employer and employee contribution rate to the system on behalf of that member shall be remitted by the employer at the current rate in effect at the time of the employment.~~

~~7.00 — Waivers for Retired Members of the Arkansas Teacher Retirement System Employed by the Department of Education:~~

~~7.01 — A retired member entering into a position of employment with the Department of Education is exempt from Sections 5.00 and 6.00 of these Rules and shall be employed with no limitations placed on his or her earnings.~~

~~7.02 — For any retired member returning to work pursuant to Subsection 7.01 of these rules, both the employer and employee contribution rate in effect at the time of employment shall be remitted to the system on behalf of the member by the employer.~~



**Arkansas Department of Education  
Rules Governing Incentives for Teacher Recruitment and Retention in High  
Priority Districts with an Average Daily Membership of 1,000 or Fewer  
~~October 2007~~**

**1.00 Regulatory Authority**

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing Incentives for Teacher Recruitment and Retention in High Priority Districts.
- 1.02 These rules are enacted pursuant to the Arkansas State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 6-17-811, 25-15-201 et seq. and Act 1044 of 2007 969 of 2009.

**2.00 Purpose**

The purpose of this rule is to establish the procedures to provide incentives for teacher recruitment and retention in high priority districts.

**3.00 Definitions**

Unless otherwise specifically stated herein, the term:

- 3.01 Department - Means the Arkansas Department of Education.
- 3.02 High Priority District - Means a public school district identified by the Department by April 15 each year in which eighty percent (80%) or more of public school students are eligible for the free or reduced-price lunch program under the National School Lunch Act based on the October 1 student count of the previous year submitted to the Department of Education; and
- 3.02.01 had a three-quarter average daily membership in the previous year of one thousand (1,000) or fewer students, or
- 3.02.02 qualifying teachers in the resulting school district in an approved voluntary consolidation or in a receiving district in an approved voluntary annexation shall continue to receive the funding provided under this section if all school districts in the voluntary consolidation or annexation were high-priority districts in the immediately preceding school year, even if the average daily membership of the resulting or receiving school district is one thousand (1,000) or above.
- 3.03 New Teacher Bonus – Means an incentive bonus provided under Sections 4.01.1 through 4.01.3 of these rules to a teacher ~~that~~ who is within the first three (3) years of employment with a single high priority district.

3.04 Previous year - Means the school year immediately preceding the current school year.

3.05 Provision 2 School District – Means a school district that participates, pursuant to Provision 2 of the National School Lunch Act, in a program operated by the United States Department of Agriculture that allows the district to make eligibility determinations for free and reduced-price meals during an initial base year and continue providing free and reduced-price meals using the base year calculations for up to three additional years beyond the base year.

3.06 Retention Bonus - Means an incentive bonus of ~~two thousand dollars (\$2,000)~~ three thousand dollars (\$3,000) to be paid to a teacher who has received a new teacher bonus and enters his or her fourth or subsequent year of service in the same or other high- priority school district or for a teacher employed in a high-priority district who does not meet the requirements of Sections 4.01.1 through 4.01.3 of these rules.

3.07 Teacher - Means a ~~certified~~ licensed classroom teacher who spends seventy percent (70%) of his or her time working directly with students in a classroom setting teaching all grade-level or subject- matter appropriate classes, including guidance counselors and librarians.

#### 4.00 Incentives

4.01 At the end of the school year and upon completion of a licensed teacher's contracted teaching obligation, a teacher ~~licensed by the State Board of Education who enters into a teaching contract and~~ who completes the entire current school year teaching in a high-priority district ~~shall, at the end of the school year and upon completion of his or her contracted teaching obligations,~~ be ~~may be~~ entitled to receive, in addition to all other contracted salary and benefits:

4.01.1 A newly hired teacher who has not previously taught in a high-priority district, a ~~one (1) time one-time~~ signing bonus of ~~four thousand dollars (\$4,000)~~ five thousand dollars (\$5,000) for the first year of service in the district to be paid upon completion of the full year of teaching.

4.01.2 A newly hired teacher who meets the requirements of Section 4.01.1 of these rules, who continues to teach in the same high-priority district and who completes the second full year of contracted teaching obligations, a new teacher bonus ~~in the amount of three thousand dollars (\$3,000)~~ four thousand dollars (\$4,000).

4.01.3 A teacher who meets the requirements of Sections 4.01.1 and 4.01.2 of these rules, who continues to teach in the same high- priority district and who

completes the third full year of contracted teaching obligations, a new teacher bonus ~~in the amount of three thousand dollars (\$3,000)~~ four thousand dollars (\$4,000).

4.01.4 A teacher who meets the requirements of Sections 4.01.1 through 4.01.3 of these rules, who enters the fourth or subsequent year of service with the same high-priority district or begins employment with a high-priority district other than the high-priority district where he or she was employed when he or she received any bonuses pursuant to Sections 4.01.1 through 4.01.3 above shall receive a retention bonus ~~in the amount of two thousand dollars (\$2,000)~~ three thousand dollars (\$3,000) for the fourth and each subsequent complete year of service in the high-priority district to be paid at the end of the school year after completing all contractual obligations

4.01.5 A teacher employed in a high priority district who does not meet the requirements of Sections 4.01.1 through 4.01.3 of these rules, shall receive a retention bonus ~~in the amount of two thousand dollars (\$2,000)~~ three thousand dollars (\$3,000) for each complete year of service in the high-priority district to be paid at the end of the school year after completing all contractual obligations.

4.02 The Superintendent of the high-priority district where the teacher is employed shall certify in writing to the Department that the teacher has completed all contractual obligations for the school year. The Superintendent shall submit such certification information for applicable teachers to the Department no more than twenty-one (21) calendar days after the end of the high-priority district's school year.

4.03 No teacher is entitled to any incentives outlined in Section 4.01 above unless the teacher has fulfilled all contractual obligations for the current school year.

4.04 ~~Any bonus pay awarded to an eligible, full time equivalent teacher who does not work the entire school year shall be pro-rated based on the portion of the school year that the eligible teacher was employed by the high-priority district.~~ If the funds appropriated and available for the payment of the bonuses under this section are insufficient to pay the maximum bonus amounts to each qualifying teacher, the Department of Education shall distribute the available funding to qualified teachers on a pro rata basis.

4.05 The bonus amounts provided under this section are the maximum amounts to be paid to qualifying teachers in high-priority districts, and are subject to the appropriation and availability of funding for the payment of the bonuses.

## 5.0 Documentation

5.01 Beginning in 2007-2008, the Department shall issue by September 1 of each year a list of the high priority districts in which eighty percent (80%) or more of the public school students are eligible for the free or reduced-price lunch

program under the National School Lunch Act and that had a three-quarter average daily membership in the previous year of one thousand (1,000) or fewer students.

5.02 Beginning in 2007-2008, the Free and Reduced Price Meal calculation shall be based on the list of eligible students in a district as verified by the Child Nutrition Unit of the Department based on the October 1 list of eligible for grades K-12 for the previous school year.

**5.03 The determination of eligibility for high priority district designation under Section 5.01 of these rules for a Provision 2 school district shall be made utilizing the number of students eligible for free and reduced-price meals submitted by the district for the Department during its base year. In order to be eligible for high priority district designation, eighty percent (80%) or more of a Provision 2 school district's students must actually be eligible for the free or reduced-price lunch program under the National School Lunch Act based on the district's base year calculation.**

5.04 The determination of eligibility for high priority district designation in annexed or consolidated districts is made based on the combination of enrollment, average daily membership and free and reduced price meal calculations for the two or more districts that were annexed or consolidated.

5.05 Beginning in 2007-2008, high priority districts shall notify the Department on forms provided by the Department, and identify all eligible teachers employed at the high priority district for the current school year. The district shall list teachers who were not employed by the high priority district during the previous school year and teachers employed the previous school year who continue to be employed for the current school year.

5.06 Upon receipt of the form from each high priority district and the written certification from the Superintendent required by Section 4.02 of these rules, the Department shall distribute the funds to the districts who will distribute the appropriate bonuses to the teachers employed by the high priority districts.

5.07 Districts will be responsible for the payment of all matching benefit payments.

## **6.00 Monitoring of Program**

6.01 It shall be the responsibility of each high- priority district to monitor the incentive bonus distribution in their district and provide data to the Arkansas Department of Education.

6.02 The Arkansas Department of Education's Teacher Recruitment and Retention Unit will collect the data and monitor the total program for the state.

**ARKANSAS DEPARTMENT OF EDUCATION**  
**RULES ~~AND REGULATIONS~~**  
**GOVERNING PUBLIC CHARTER SCHOOLS**  
~~November 5, 2007~~ July 13, 2009

**1.00 Regulatory Authority**

- 1.01 These rules ~~and regulations~~ shall be known as the Arkansas Department of Education Rules ~~and Regulations~~ Governing Public Charter Schools.
- 1.02 The State Board of Education enacted these rules ~~and regulations~~ pursuant to its authority under Arkansas Code Annotated §§6-11-105, 6-23-101 et seq., 25-15-201 et seq., ~~6-23-101 et seq., and Act 736 of 2007~~ Act 1469 of 2009.

**2.00 Purpose of Regulations**

- 2.01 The purposes of these rules ~~and regulations~~ are to implement Arkansas Code Annotated §6-23-101, et seq. and to establish the requirements and procedures for the application of a public charter school, for monitoring a school once it has been granted a charter by the State Board of Education (State Board), for renewal, modification, and revocation of a charter granted by the State Board of Education, and for disbursing funds to a public charter school.

**3.00 Definitions**

For the purpose of these rules ~~and regulations~~:

- 3.01 “Debt” is defined as a financial obligation incurred by a public charter school, which is due in more than 365 days.
- 3.02 “Average daily membership (ADM)” is defined as the total number of days attended plus the total number of days absent by students in grades kindergarten through twelve (K-12) during the first three (3) quarters of each school year, divided by the number of school days actually taught in the school during that period of time rounded up to the nearest hundredth.
- 3.03 “Local School Board” means a board of directors exercising the control and management of a public school district. In addition for the purposes of these ~~regulations~~ rules a local school board refers to the board of directors of the school district where the public charter school will be physically located.
- 3.04 “Public school district in which enrollment is likely to be affected” is defined as the school districts in the geographical area surrounding the proposed open-

enrollment public charter school from which students are likely to be drawn across district lines for enrollment in the public charter school.

- 3.05 “Application” is defined as the proposal for obtaining conversion public charter school status, open-enrollment public charter school status, or limited public charter school status presented to the State Board of Education requesting to enter into a charter that describes the school and provides all of the information required by law and the Arkansas Department of Education, in the form prescribed by the Charter School Office. The term application shall be synonymous with the term petition, and the terms are interchangeable throughout these rules. The application, in addition to any conditions or requirements agreed upon by the State Board, will serve as the terms and conditions of the charter.
- 3.06 “Letter of Intent” is defined as a written notice submitted to the Department of Education Charter School Office that a public school district or an eligible entity intends to file a charter school application. Such letter of intent shall be submitted on forms provided by the Department of Education by the established deadline.
- 3.07 “Eligible entity” is defined as a public or private, nonsectarian institution of higher education; governmental entity, or organization, which has applied for tax exempt status under §501(c)(3) of the Internal Revenue Code at the time of application for the open-enrollment charter. The eligible entity must have status as a tax-exempt organization under § 501(c) (3) of the Internal Revenue Code of 1986 prior to the first day of its operation with students.
- 3.08 “Charter” is defined as a performance-based contract between the State Board of Education and an approved applicant for public charter school status which exempts the public charter school from specified state and local rules, regulations, policies, and procedures for an initial five-year (5) period and which operates under the specific terms of a charter granted by the State Board of Education.
- 3.09 “Public charter school” is defined as a conversion public charter school, an open-enrollment public charter school, or a limited public charter school.
- 3.10 “Open-enrollment public charter school” is defined as a public school that is operating under the terms of a charter granted by the s State Board of Education on the application of an eligible entity, ~~and~~ may draw its students from any public school district in this state, and is recognized as a local educational agency under the Elementary and Secondary Education Act of 1965, 20 U.S.C. §7801.
- 3.11 “Conversion public charter school” is defined as an existing public school which has ~~is~~ converted to a school under the terms of a charter approved by the local school board and the State Board of Education.

- 3.12 “Limited public charter school” is defined as a public school that has converted to operating under the terms of a limited public charter approved by the local school board and the State Board of Education.
- 3.13 “Founding member” is defined as any individual who is either a member or an employee of the eligible entity applying for the initial charter for an open-enrollment public charter school or a member of the initial governing non-advisory board of the open-enrollment public charter school.
- 3.14 “Parent” is defined as any parent, legal guardian, or other person having custody or charge of a school-age child.
- 3.15 “Public school” is defined as a school that is part of a public school district under the control and management of a local school board.
- 3.16 “License” is that authority granted by the State Board of Education to an already existing open-enrollment public charter sponsoring entity for the purpose of establishing another open-enrollment public charter school with a limit of only one charter license to be approved for each additional open-enrollment public charter school to be established under an already existing open-enrollment charter provided the applicant for a charter license meets the following minimum conditions: (1) open-enrollment public school charter from the State Board of Education, and (2) meets the requirements of Section 10.05.1 of these Rules.

#### **4.00 Observance of Anti-Discrimination Laws**

- 4.01 All public charter schools shall observe and comply with all anti-discrimination law, both federal and state, except where otherwise exempted under federal charter school law as provided in § 10.02.02.
- 4.02 For the purposes of the Individuals with Disabilities Education Act (IDEA) and these rules ~~and regulations~~, all public charter schools are responsible for ensuring that the requirements of IDEA are met.
- 4.03 For the purposes of Section 504 of the Rehabilitation Act and these rules ~~and regulations~~, all public charter schools are responsible for ensuring that the requirements of Section 504 are met.

#### **5.00 Application Process, Schedule, Forms and Technical Assistance**

- 5.01 A procedure for establishing a public charter school shall be published by the Department of Education at least thirty (30) days prior to the hearing of a charter school application or license request or issue, as approved by the State Board of Education. If all dates and requirements in the procedures for establishing a

public charter school are not strictly followed, the State Board may refuse to consider the application for a charter.

- 5.02 Application forms and other documents needed for the public charter school application process shall be provided by the Department of Education Charter School Office and are attached as “Appendix A” to these Rules and incorporated into these Rules as if fully set forth herein.
- 5.03 Any requests for technical assistance by a charter applicant shall be made to the Department of Education Charter School Office.
- 5.04 A public school district is not eligible to apply for an open-enrollment public charter.

#### **6.00 Conversion Public Charter School – Application Approval Procedures**

- 6.01 Each conversion public charter applicant must submit, by certified mail on or before the established deadline, to the Department of Education Charter School Office a letter of intent signed by the school board president.
- 6.02 Each charter applicant shall prepare an application that describes the elements of the applicant’s plan for establishing a conversion public charter school. The application shall be on a form provided by the Department of Education. If requested, the Department of Education Charter School Office shall give technical assistance in preparing the application.
- 6.03 A public school application for a conversion public charter school may include, but shall not be limited to, the following purposes:
  - 6.03.01 Adopting research-based school or instructional designs, or both, that focus on improving student and school performance;
  - 6.03.02 Addressing school improvement status resulting from sanctions listed in Arkansas Code Annotated § 6-15-207(c)(8) and 6-15-429(a) and (b); or
  - 6.04.03 Partnering with other districts or schools to address students’ needs in a geographical location or multiple locations.

#### **7.00 Responsibilities of the State Board of Education – Conversion Public Charter Schools**

- 7.01 The State Board shall not approve a conversion public charter school application from a district that has not been approved by the district’s local board.



- 7.02 The Department of Education shall review the applications and present to the State Board a written evaluation of the application. A copy of the evaluation shall be sent to the applicant. The applicant will be allowed to submit a written response to the evaluation by an established deadline. The applicant will not be allowed to supplement the original application with additional documents or new information prior to the State Board review.
- 7.03 The State Board shall review the applications for proposed public charter schools. The State Board shall vote whether or not to award charters. The State Board may place conditions on the charters it awards.
- 7.04 The State Board of Education may defer the vote to approve or disapprove a charter application in order to allow a charter applicant to make modifications or receive technical assistance to correct deficiencies in the application.
- 7.05 The decision of the State Board of Education shall be final.

#### **8.00 Open-Enrollment Public Charter School – Application Approval Procedures**

- 8.01 Each open-enrollment public charter applicant must submit to the Department of Education Charter School Office a letter of intent sent by certified mail and received by the Department on or before the established deadline. A copy of the letter of intent shall also be sent by certified mail to the superintendent ~~each member of the local board of each the public school district from which the open-enrollment public charter school is likely to draw students for the purpose of enrollment and the superintendent of any public school district that is contiguous to the public school district in which the open-enrollment public charter school will be located. where the proposed public charter school will be located as well as the local school boards of public school districts in which enrollment is likely to be affected. The letter to each board member shall only be required for each school board member whose name and mailing address is provided by the superintendent of an affected school district or the Department upon request of the applicant.~~
- 8.02 Within seven (7) calendar days following the first publication of the notice of the public hearing, letters announcing the public hearing shall be sent to the superintendent of each public school district from which the open-enrollment public charter school is likely to draw students for the purpose of enrollment and the superintendent of any public school district that is contiguous to the public school district in which the open-enrollment public charter school will be located.
- 8.03 Each charter applicant shall prepare an application that describes the elements of the applicant's plan for establishing a public charter school. The application shall be on a form provided by the Department of Education. If requested, the Department of Education Charter School Office shall give technical assistance in preparing the application,

- 8.04 The application shall be received ~~by the established deadline to the local board of the public school district where the proposed public charter school will be located and received by the Department on or before the established deadline. The applicant shall send the application by certified mail to the Superintendent of the local district. The applicant shall provide the Department of Education with verification that the required notice was sent to the local board. A copy of this same application shall be sent to the Department of Education.~~ Each open-enrollment public charter applicant shall send a copy of the application to all public school districts in which enrollment is likely to be affected by the public charter school by the established deadline. The application shall be sent by certified mail to the local school board(s) in care of the Superintendent(s) as required in § 8.01 by the established deadline. Documentation shall be provided to the Department of Education, in the form of copies of certified mail receipts that the applications were sent.
- 8.05 The board of the public school districts in which enrollment is likely to be affected by the proposed public charter school may review the open-enrollment public charter school application and submit any written findings or statements of the board, signed by the board president, to the Department of Education Charter School Office by an established deadline. The school board shall send a copy of the written findings or statements to the applicant by certified mail. Failure to submit this information will constitute the conclusion that the proposed public charter school will have no impact on the district.
- 8.06 The local board of the district where the proposed public charter school is to be located shall review the open-enrollment public charter school application. The local board shall vote to approve or disapprove the application and prepare written findings. The results of the vote and the written findings shall be sent by certified mail to the Department of Education Charter School Office and to the public charter school applicant by an established deadline. An affected school district may submit written comments concerning the application to the State Board to be considered at the time of the State Board's review of the application by a deadline to be established by the State Board.
- 8.07 The applicant for an open-enrollment public charter school whose application is disapproved by the local board shall have the immediate right to proceed with a written notice of appeal to the State Board of Education. To exercise the right to appeal, the applicant must send written notice of appeal to the State Board within ten (10) calendar days after receiving notice of the local board's disapproval of the application for an open-enrollment public charter school. The notice of appeal shall be sent by certified mail to the State Board of Education and to the local board of the district where the proposed public charter school is to be located.

**9.00 Responsibilities of the State Board of Education – Open-Enrollment Public Charter Schools**

- 9.01 The Department of Education shall review the applications and present to the State Board a written evaluation of the application. It is recommended that the evaluation form attached to these Rules as “Appendix C” and incorporated into these Rules as if fully set forth herein to be used by the Department in evaluating applications. A copy of the evaluation shall be sent to the applicant. The applicant will be allowed to submit a written response to the evaluation by an established deadline. The applicant will not be allowed to supplement the original application with additional documents or new information prior to the State Board review. The State Board of Education may request the Department of Education to contract with outside agencies to provide services concerning the review and evaluation of charter applications.
- 9.02 In the event an application is denied by the local board, the State Board shall hold a hearing within forty-five (45) calendar days after receipt of the notice of appeal at a location where all interested parties may appear and present relevant information regarding the proposed open-enrollment public charter school.
- 9.02.01 The charter applicant shall have a period of time to be set at the discretion of the State Board as required by Section 5.01 of these Rules to present its arguments to the State Board for approval of the proposed public charter school. The local school board and boards of districts likely to be affected by the proposed public charter school shall have a combined period of time, to be set at the discretion of the State Board, to present the arguments for disapproval of the proposed public charter school to the State Board. The charter applicant shall then have a period of time, to be set at the discretion of the State Board, to respond to the arguments of the local school board and boards of districts likely to be affected by the proposed charter school. The State Board shall follow the presentations with discussion of the charter application and possible questions to the public school board representative(s) and/or the charter applicant.
- 9.03 The State Board shall review the applications for proposed public charter schools and utilize the same procedures set forth in Section 9.02.01 of these Rules. The Board shall vote whether or not to award charters to locally approved applications. The State Board may place conditions on the charters it awards.
- 9.04 The State Board of Education may defer the vote to approve or disapprove a charter application in order to allow a charter applicant to make modifications or to receive technical assistance to correct deficiencies in the application.
- 9.05 The decision of the State Board shall be final.

**10.00 Content of Application and Charter**

- 10.01 The public charter school application shall include, but is not limited to the following:
- 10.01.01 educational mission;
  - 10.01.02 educational need;
  - 10.01.03 description of public hearing results;
  - 10.01.04 description of educational plan, which clearly addresses how the public charter school will improve student learning and academic achievement and meet or exceed state goals;
  - 10.01.05 description of governance and organizational structure;
  - 10.01.06 description of facilities to be used, location of the proposed school, and the present use of the facility and the use for the past three (3) years; and a statement of the current permissible uses from the local zoning authority
  - 10.01.07 copies of annual budget and financial plan (including all sources of funding);
  - 10.01.08 establishes the entity has applied for tax exempt status under § 501(c) (3) of the Internal Revenue Code of 1986;
  - 10.01.09 agreement to provide annual report of progress toward meeting performance goals to parents, community, local board and State Board;
  - 10.01.10 description of admission procedure;
  - 10.01.11 description of support services;
  - 10.01.12 identification of regulations, if any, to be waived, with rationale for waiver request;
  - 10.01.13 school calendar and school day schedule; and
  - 10.01.14 description of age or grade range of pupils to be enrolled.
- 10.02 In addition to the requirements identified in Section 10.01 of these Rules, an application for an open-enrollment public charter school shall include, but is not limited to, the following:

- 10.02.01 specification of period for which the charter or any charter renewal is valid, contingent upon acceptable student performance levels established within the state accountability system;
- 10.02.02 prohibition of discrimination in admission on the basis of gender, national origin, race, ethnicity, religion, disability, academic or athletic eligibility, except as follows: the open-enrollment public charter school may adopt admissions policies that are consistent with federal law, regulations, or guidelines applicable to charter schools, except as allowed in § 4.00; although the charter may provide for the exclusion of a student who has been expelled from another public school district;
- 10.02.03 specification of the qualifications to be met by professional employees of the program;
- 10.02.04 description of budget process;
- 10.02.05 description of annual audit of financial and programmatic operations, including how the charter school will provide information needed by the public school district in which the charter school is located;
- 10.02.06 description of facility to be used and its location including the terms of the facility utilization agreement if the facility for the public charter school is owned or leased from a sectarian organization. All facilities lease agreements by applicants shall provide as much information as possible but should supply the general information required. The lease agreement form as attached to these Rules as Appendix B is provided as a standard form lease that may be used by the applicant, but its use is not required;
- 10.02.07 description of geographical area, school district or school attendance area to be served by the program;
- 10.02.08 description of admission and enrollment criteria and student recruitment and selection processes, including provision for a random, anonymous student selection method if more eligible students apply for a first-time admission than the public charter school is able to accept; and
- 10.02.09 a statement that the eligible entity will not discriminate on the basis of race, sex, national origin, ethnicity, religion, age, or disability in employment decisions including hiring and retention of administrators, teachers, and other employees, except as permitted in § 4.00 and 10.02.02.

**10.03 Preference for Approval of Open-Enrollment Public Charter Schools**

The State Board shall give preference in approving an application for an open-enrollment public charter school to be located in any public school district:

- 10.03.1 Where the percentage of students who qualify for free or reduced price lunches is above the average for the state;
  - 10.03.2 Where the district has been classified by the State Board as in academic distress under Ark. Code Ann. § 6-15-428; or
  - 10.03.3 Where the district has been classified by the Department of Education as in some phase of school improvement under Ark. Code Ann. § 6-15-426 or some phase of fiscal distress under § 6-20-1902 et seq., if the fiscal distress status is a result of administrative fiscal mismanagement, as determined by the State Bboard.
- 10.04 The State Board may grant no more than a total twenty-four (24) charters for open-enrollment public charter schools, a charter applicant's school campus shall be limited to a single open-enrollment public charter school per charter except as allowed in Section 10.05 of these Rules.
- 10.04.1 An open-enrollment public charter school shall not open in the service area of a public school district administratively reorganized pursuant to the provisions of § 6-13-1601 et seq. until after the third year of the administrative reorganization.

**11.00 License Applicants**

- 11.01 In accordance with Ark. Code Ann. § 6-23-304, the Knowledge Is Power Program instructional program is recognized as an effective method for meeting the statutory purpose and intent of Ark. Code Ann. § 6-23-101 et seq., closing the achievement gap in public schools for economically disadvantaged, racial and ethnic subgroups, Ark. Code Ann. § 6-15-401 et seq. and Ark. Code Ann. § 6-15-1601 et seq., and otherwise providing an alternative, proven, adequate and equitable education to Arkansas students.
- 11.01.1 Any charter applicant that receives an approved open-enrollment public charter under Section 10.04 of these rules may petition the State Board at any time for a charter school to be opened no earlier than July 1 of the following school year for additional licenses to establish an open-enrollment public charter school in any of the various congressional districts in Arkansas provided that the applicant meets the following conditions, subject to the normal application, review, and approval process of the State Board, with the exception that the license request does not have to be initially sent to the local board for

- 11.01.1.1 The approved open-enrollment public charter applicant has demonstrated success in student achievement gains, as defined by the State Board; and
  - 11.01.1.2 The approved open-enrollment public charter applicant has not been subject to any disciplinary action by the State Board; has not been classified as in school improvement, academic or fiscal distress; and has not had its open-enrollment public charter placed on probation, suspended or revoked; pursuant to Arkansas Code Annotated § 6-23-105; and
  - 11.01.1.3 The State Board of Education determines in writing by majority of a quorum of the State Board present that the open-enrollment public charter applicant has generally established the educational program results and criteria set forth in Section 10.05.1 of these rules.
- 11.02 Applicants for a license under this section of the rules are relieved from compliance with sections 8.01 and 8.02.
- 11.03 The State Board shall consider any such license petition within ninety (90) business days after it receives the petition, utilizing the same procedures set forth in Section 9.02.01 of these Rules.

## **12.00 Enrollment**

- 12.01 Enrollment for an existing public school converted to a public charter school will be determined in the manner similar to the enrollment procedures for the school district in which the public charter school is located or similar to the enrollment procedures for district magnet schools.
- 12.02 If more eligible students apply for admission than the public charter school is able to accept, then the public charter school shall create an enrollment process based upon a random anonymous student selection method.
- 12.03 While a public charter school may operate on a traditional calendar or a year-long calendar, all public charter schools shall begin the school year in the fall.
- 12.04 Documented student enrollment as of July 30 of each school year shall be reported by open-enrollment public charter schools.
- 12.05 An open-enrollment public charter school may allow a preference for children of the founding members of the eligible entity. The number of enrollment

preferences granted to the children of founding members shall not exceed ten percent (10%) of the total number of students enrolled in the open-enrollment public charter school and siblings of students currently enrolled in the school.

- 12.06 A public charter school may allow the use of a weighted lottery in the student selection process when necessary to comply with Title VI of the federal Civil Rights Act of 1964, Title IX of the federal Education Amendments of 1972, the equal protection clause of the Fourteenth Amendment to the United States Constitution, a court order, or a federal or state law requiring desegregation, as permitted by the Charter Schools Program, Title V, Part B, Non-Regulatory Guidance of the United States of the Department of Education, July, 2004.

### **13.00 Funding**

#### **13.01 Funding for Public Charter Schools**

- 13.01.01 An existing public school converted to a public charter school shall receive funds equal to the amount apportioned by the district from state and local revenue per average daily membership.
- 13.01.02 An open-enrollment public charter school shall receive funds equal to the amount that any a public school would receive under 6-20-2305 (a) and (b) as well as any other funding that the public charter school is entitled to receive under law.
- 13.01.03 For the first year of operation and for the first year the open-enrollment public charter school adds a new grade, the foundation funding and enhanced educational funding for an open-enrollment public charter school is determined as follows: an initial funding estimate shall be ~~The initial funding estimate for an open-enrollment public charter school shall be~~ based upon the enrollment as of July 30 of the current school year. In December, funding will be adjusted based upon the current year first quarter average daily membership; and a final adjustment will be made after the current three-quarter average daily membership is established. For the second year and each school year thereafter (if new grade(s) have not been added), the previous year's average daily membership will be used to calculate foundation funding and any enhanced educational funding amounts. Charter schools receiving foundation funding based on prior year three quarter ADM are eligible to receive student growth funding pursuant to §6-20-2305.
- 13.01.04 For the first year of operation, free or reduced price meal eligibility data as reported by October 1 of the current school year will be used to calculate the national school lunch state categorical funding under the State Board rules governing special needs funding, and for the second



year and each school year of operation thereafter, the previous year's October 1 national school lunch student count as specified in State Board rules governing special needs funding will be used to calculate national school lunch state categorical funding for the open-enrollment public charter school.

13.01.05 In the first year of operation the open-enrollment public charter school shall receive professional development funding based upon the initial projected enrollment student count as of July 30 of the current school year multiplied by the per-student professional development funding amount under §6-20-2305 (b) (5) for that school year. For the second year and each school year thereafter, professional development funding will be based upon the previous year's average daily membership multiplied by the per-student professional development funding amount under §6-20-2305 (b) (5) for that school year.

13.01.06 The Department of Education shall distribute other categorical funding under §6-20-2305 (a) and (b) for which an open-enrollment public charter school is eligible as provided by state law and rules promulgated by the state board. Funding for Alternative Learning Education (ALE) students will be funded pursuant to §6-20-2305.

13.01.07 An open-enrollment public charter school shall not be denied foundation funding, enhanced educational funding or categorical funding in any year of operation provided that the open-enrollment public charter school submits to the department the number of students eligible for funding through the Arkansas Public School Computer Network (APSCN) reporting process as specified in applicable rules.

13.02 The Department of Education shall establish procedures to ensure that every public charter school receives the Federal funds for which the public charter school is eligible.

13.02.01 The Department of Education shall take such measures as necessary to ensure that a public charter school receives the federal funds for which the school is eligible not later than five (5) months after the public charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in the public charter school are not fully and completely determined until that public charter school actually opens.

13.02.02 The measures shall also ensure that every public charter school expanding its enrollment in any subsequent year of operation receives the federal funding for which the public charter school is eligible not later than five (5) months after such expansion.

13.03 The submission to an annual certified audit as required by Arkansas Code Annotated §6-23-101 et seq., shall be made according to Arkansas Law and to the Department of Education fiscal regulations and time lines. Failure to submit such audit in a timely manner shall result in suspension of state aid payments until such audit is received by the Department of Education. The school's fiscal year shall run from July 1 through June 30.

13.04 All open-enrollment public charter schools operated by an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code are subject to the same auditing and accounting requirements as any other public school district in the state.

13.05 An open-enrollment public charter school shall not use the moneys that it receives from the state for any sectarian program or activity or as collateral for debt. However, open-enrollment public charter schools may enter into lease-purchase agreements for school buildings built by private entities with facilities bonds exempt from federal taxes under 26 USCS 142(a) as allowed by 6-20-402. No indebtedness of an open-enrollment public charter school shall ever become a debt of the state of Arkansas.

#### **14.00 Evaluation, Monitoring and Reporting Requirements of the Public Charter Schools**

14.01 The Arkansas Department of Education shall conduct an annual evaluation of all public charter schools. The Department may choose to contract with an outside party to conduct such an annual evaluation. The evaluation shall include, but not be limited to, consideration of the following:

14.01.01 student scores under the statewide assessment program described in § 6-15-433;

14.01.02 student attendance;

14.01.03 student grades;

14.01.04 student discipline incidents

14.01.05 socioeconomic data on students' families;

14.01.06 parent satisfaction with the school;

14.01.07 student satisfaction with the schools;

14.01.08 on-site monitoring of the facility; and

14.01.09 other terms of the school's charter.

14.02 The State Board of Education may require the charter holder to appear before the State Board to discuss the results of the evaluation and to present further information to the State Board as the Department or State Board deems necessary.

14.03 As a condition of its charter, each public charter school is required to provide an annual report to parents, the community and the State Board that details its progress in meeting its academic performance objectives.

14.04 Each public charter school shall participate in the Arkansas Public School Computer Network reporting requirements.

14.05 Each public charter school shall provide to the Department of Education the same data required of other public schools, unless such data requirement is waived by the terms of the charter.

#### **15.00 Basis and Procedure for Public Charter Modification, or Charter School Probation, Revocation, or Denial of Renewal.**

15.01 The State Board may modify the charter of a public charter school or it may place a public charter school on probation or revoke its charter or deny renewal of its charter at any time the State Board deems it necessary to do so.

15.02 The State Board shall notify the chief operating officer of the public charter school of the alleged violation of the school's charter or of the offense in question. The notice shall include the State Board's proposed action. The notice shall be delivered by certified mail to the chief operating officer of the public charter school.

15.03 The chief operating officer of the public charter school, on behalf of the charter school, may request, in writing, a hearing before the State Board.

15.04 The State Board shall hold a hearing, if requested, within forty-five (45) calendar days of receipt of the hearing request.

15.05 The hearing shall be held at the location of the regular or special meeting of the State Board of Education.

15.05.01 Notice of the hearing shall be provided to the superintendent and the president of the local school board of the school district where the conversion public charter school is located or to the chief operating officer of the open-enrollment public charter school.

15.05.02 The hearing shall be open to the public.

15.06 The decision of the State Board shall be final.

#### **16.00 Impact on Desegregation Efforts**

16.01 The applicant petitioners for each application for a proposed public charter school must include a written evaluation describing the potential impact on the efforts of a public school district or districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

16.02 The local board shall also prepare a written evaluation of the potential impact the proposed public charter school will have on the efforts of the public school district or districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools. This evaluation shall be forwarded to the State Board.

16.03 Technical assistance in this review may be provided by the Department of Education's section on Accountability and its unit on Desegregation Monitoring.

16.04 The State Board of Education shall not approve any public charter school which hampers, delays, or in any manner negatively affects the desegregation efforts of a public school district or districts in this state.

## **17.00 Renewal of Charters**

17.01 Each open-enrollment public charter school and conversion public charter school must apply for renewal of its charter prior to expiration on a form prescribed by the Charter School Office, by a deadline set by the Charter School Office.

17.02 A charter may be renewed by the State Board of Education for up to a five (5) year period. The State Board may decide not to renew a charter or to renew a charter for a period less than five years.

## **18.00 Assets of School as Property of State**

18.01 Any holder of a charter for an open-enrollment public charter school must give the Department at least thirty (30) business days' notice of its intent to cease operation as an open-enrollment public charter school to allow the charter holder and the Department sufficient time to accomplish those items necessary and required to close the charter school.

18.02 Upon dissolution of an open-enrollment public charter school or upon non-renewal or revocation of the charter, all net assets of the open-enrollment public charter school, including any interest or real property, purchased with public funds shall be deemed the property of the state, unless otherwise specified in the charter of an open-enrollment charter school.

18.03 If the open-enrollment public charter school used state funds to purchase or finance personal property, real property, or fixtures for use by the open-

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enrollment public charter school, the State Board of Education may require that the property be sold.

- 18.04 The state has a perfected priority security interest in the net proceeds from the sale or liquidation of the property to the extent of the public funds used in the purchase. The open-enrollment public charter school will assume sole responsibility of all expenditures at the close of the school.

**ARKANSAS DEPARTMENT OF EDUCATION**  
**RULES ~~AND REGULATIONS~~**  
**GOVERNING LIMITED PUBLIC CHARTER SCHOOLS**  
(~~Approved August 13, 2001~~) July 13, 2009

**1.00 Regulatory Authority**

- 1.01 These rules ~~and regulations~~ shall be known as the Arkansas Department of Education Rules ~~and Regulations~~ Governing Limited Public Charter Schools.
- 1.02 The State Board of Education enacted these rules ~~and regulations~~ pursuant to its authority under Arkansas Code Annotated §§6-11-105, 6-23-206, and 6-23-201 et seq. ~~Act 1311 of 2001.~~

**2.00 Purpose of Regulations**

- 2.01 The purposes of these ~~regulations~~ rules are to implement §6-23-601 ~~Act 1311 of 2001, Section 9~~, and to establish the requirements and procedures for the application of a limited public charter school and for monitoring a school once it has been granted a limited charter by the State Board of Education.

**3.00 Definitions**

For the purpose of these rules ~~and regulations~~:

- 3.01 “Limited Public Charter School” is defined as a public school operating under the terms of a charter approved by the State Board of Education for the purposes of implementing an alternative comprehensive staffing and compensation program designed to enhance student and teacher performance and improve employee salaries, opportunities, and incentives.
- 3.02 ~~“Application” is defined as the document presented to the State Board of Education requesting to enter into a charter that describes the school and provides all of the information required by law and the Department of Education. The term application shall be synonymous with the term petition, and the terms are interchangeable throughout these rules and regulations as used in Act 1311 of 2001.~~ “Application” is defined as the proposal for obtaining conversion public charter school status, open-enrollment public charter school status, or limited public charter school status presented to the State Board of Education requesting to enter into a charter that describes the school and provides all of the information required by law and the Arkansas Department of Education, in the form prescribed by the Charter School Office. The term application shall be synonymous with the term petition, and the terms are interchangeable throughout these rules. The application, in addition to any conditions or requirements agreed upon by the State Board, will serve as the terms and conditions of the charter.

- 3.03 “Letter of Intent” is defined as a written notice submitted to the Department of Education Charter School Office that a public school district intends to file a limited public charter school application. Such letter of intent shall be submitted on forms provided by the Department of Education.

#### **4.00 Observance of Anti-Discrimination Laws**

- 4.01 All limited charter schools shall observe and comply with all anti-discrimination laws, both federal and state.
- 4.02 For the purposes of the Individuals with Disabilities Education Act (IDEA) and these rules ~~and regulations~~, all limited public charter schools are responsible for ensuring that the requirements of IDEA are met.
- 4.03 For the purposes of Section 504 of the Rehabilitation Act and these rules ~~and regulations~~, all limited public charter schools are responsible for ensuring that the requirements of Section 504 are met.

#### **5.00 Application Process, Schedule, Forms and Technical Assistance**

- 5.01 A procedure for establishing a limited public charter school shall be published by the Department of Education, as approved by the State Board of Education. All dates and requirements in the procedures for establishing a limited public charter school shall be strictly followed by the charter applicant.
- 5.02 Application forms and other documents needed for the limited public charter school application process shall be provided by the Department of Education.
- 5.03 Any requests for technical assistance by a charter applicant shall be made to the Department of Education Charter School Office.

#### **6.00 Limited Public Charter School – Application Approval Procedures**

- 6.01 Each limited public charter applicant must submit, by certified mail on or before the established deadline, to the Department of Education Charter School Office a letter of intent signed by the school board president.
- 6.02 Each limited charter applicant shall prepare an application that describes the elements of the applicant’s plan for establishing a limited public charter school. The application shall be on a form provided by the Department of Education. Technical assistance in preparing the application may be requested from the Department of Education Charter School Office.

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6.03      The application shall be reviewed by the local board of the public school district as a regular agenda item at their local board meeting. The local board shall vote to approve or disapprove the application. If approved, the local board shall forward the application with sufficient written proof of the local boards' approval of the application to the State Board of Education.

## **7.00      Responsibilities of the State Board of Education – Limited Public Charter Schools**

- 7.01      The State Board shall not approve a limited public charter school application ~~from a district~~ that has not been approved by the district's local board.
- 7.02      The Department of Education shall review the application and present to the State Board a written evaluation of the application. A copy of the evaluation shall be sent to the applicant. The applicant will be allowed to submit a written response to the evaluation by an established deadline. The applicant will not be allowed to supplement the original application with additional documents or new information prior to the State Board review.
- 7.03      The State Board shall review the applications for proposed limited public charter schools. The State Board shall vote whether or not to award charters to ~~locally~~ approved applications. The State Board may place conditions on the charters it awards.
- 7.04      The State Board of Education may defer the vote to approve or disapprove a limited charter application in order to allow a limited charter applicant to make modifications or receive technical assistance to correct deficiencies in the application.
- 7.05      The decision of the State Board of Education shall be final.

## **8.00      Content of Application and Charter**

- 8.01      The limited public charter school application shall include, but is not limited to the following:
- 8.01.01      identification of the rules ~~and regulations~~ and the provisions of Title 6 of the Arkansas Code, if any, to be waived, with rationale for waiver request as allowed by Arkansas Code Annotated §6-23-601 (b) (1) ~~Act 1311 of 2001~~;
- 8.01.02      description of a plan for school improvement that addresses how the school will improve student learning and meet the state education goals;
- 8.01.03      description of how the certified employees at the limited public charter



school will be involved developing and implementing the school improvement plan and in identifying performance criteria; and

8.01.04 description of the performance criteria that will be used during the initial ~~three-year~~ period of the charter to measure the progress of the limited public charter school in improving student learning and meeting or exceeding the state education goals.

8.02 In addition to the requirements identified in section 8.01, an application for a limited public charter school shall include, but is not limited to, the following:

8.02.01 description of admission, enrollment criteria and student selection processes, including a provision for a random, anonymous student selection method if more eligible students apply for a first-time admission than the limited public charter school is able to accept, except as allowed for in Arkansas Code Annotated §6-23-306 ~~Aet 463 of 2001~~;

8.02.02 a statement that the school district will not discriminate in admission on the basis of gender, national origin, race, ethnicity, religion, disability, academic or athletic eligibility, although the charter may provide for the exclusion of a student who has been expelled from another public school district;

8.02.03 A limited public charter school located in a school district under court ordered desegregation may use a weighted lottery in the student selection process in accordance with Arkansas Code Annotated §6-23-306 ~~Aet 463 of 2001~~; and

8.02.04 a statement that the school district will not discriminate on the basis of race, sex, national origin, ethnicity, religion, age, or disability in employment decisions including hiring and retention of administrators, teachers, and other employees.

## **9.00 Enrollment**

9.01 Enrollment for a limited public charter school will be determined in the manner similar to the enrollment procedures for the school district in which the limited public charter school is located.

9.02 If more eligible students apply for admission than the limited public charter school is able to accept, then the limited public charter school shall create an enrollment process based upon a random anonymous student selection method, except as allowed for in Arkansas Code Annotated §6-23-306 ~~Aet 463 of 2001~~.

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~~9.03 While a limited charter school may operate on a traditional calendar or a year-long calendar, all limited charter schools shall begin the school year in the fall.~~

## **10.00 Funding**

- 10.01 A limited public charter school shall receive funds equal to the amount apportioned by the district from state and local revenue per average daily membership.
- 10.02 The Department of Education shall establish procedures to ensure that every limited public charter school receives the Federal funds for which the limited public charter school is eligible.
  - ~~10.02.01 The Department of Education shall take such measures as necessary to ensure that a limited charter school receives the federal funds for which the school is eligible not later than five (5) months after the limited charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in the limited charter school are not fully and completely determined until that limited charter school actually opens.~~
  - ~~10.02.02 The measures shall also ensure that every limited charter school expanding its enrollment in any subsequent year of operation receives the federal funding for which the limited charter school is eligible not later than five (5) months after such expansion.~~
- 10.03 The submission of an annual certified audit as required by Arkansas Code Annotated §6-23-101 et seq. shall be made according to Arkansas Law and to the Department of Education fiscal regulations and time lines. Failure to submit such audit in a timely manner would result in suspension of state aid payments until such audit is received by the Department of Education. The school's fiscal year shall run from July 1 through June 30.

## **11.00 Evaluation, Monitoring and Reporting Requirements of Limited Public Charter Schools**

- 11.01 The Arkansas Department of Education shall conduct an annual evaluation of all limited public charter schools, which shall include, but not be limited to, consideration of the following:
  - 11.01.01 student scores on assessment instruments; and
  - 11.01.02 other terms of the school's charter.

- 11.02 As a condition of its charter, each limited public charter school is required to provide an annual report to parents, the community, and the State Board that details its progress in meeting its academic performance objectives.
- 11.03 Each limited public charter school will participate in the Arkansas Public School Computer Network reporting requirements.
- 11.04 Each limited public charter school shall provide to the Department of Education the same data required of other public schools, unless such data requirement is waived by the terms of the charter.

**12.00 Basis and Procedure for Charter Modification, or Limited Public Charter School Probation, Revocation, or Denial of Renewal.**

- 12.01 The State Board may modify the charter of a limited public charter school or it may place a limited public charter school on probation or revoke its charter or deny renewal of its charter at any time the Board deems it necessary to do so.
- 12.02 The State Board shall notify the superintendent of the sponsoring school district of the alleged violation of the school's charter or of the offense in question. The notice shall include the State Board's proposed action. The notice shall be delivered by certified mail to the superintendent of the school district where the limited public charter school is located.
- 12.03 The superintendent of the school district where the limited public charter school is located, on behalf of the limited public charter school, may request, in writing, a hearing before the State Board.
- 12.04 The State Board shall hold a hearing, if requested, within forty-five (45) calendar days of receipt of the hearing request.
- 12.05 The hearing shall be held at the facility at which the limited public charter school is located.
  - 12.05.01 Notice of the hearing shall be provided to the superintendent and the president of the local school board of the school district where the limited public charter school is located.
  - 12.05.02 The hearing shall be open to the public.
- 12.06 The decision of the State Board shall be final.

**13.00 Impact on Desegregation Efforts**

- 13.01 The petitioners of each application for a proposed limited public charter school must include a written evaluation describing the potential impact on the efforts of

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a public school district or districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

- 13.02 The local board shall also prepare a written evaluation of the potential impact the proposed limited public charter school will have on the efforts of the school district or districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools. This evaluation shall be forwarded to the State Board.
- 13.03 Each application for a proposed limited public charter school shall be examined for its effect on the minority and majority percentages of student enrollment in the public school districts within the limited public charter school's proposed population outreach.
- 13.04 ~~The Department of Education shall compute the minority and majority percentages of each county's public school population and shall then compute the acceptable range of variance from those percentages for school districts within each county from which the limited charter school will receive students.~~
- 13.05 ~~Each application for a proposed limited charter school shall be reviewed for its effect on these percentages that may be caused by:~~
  - ~~13.05.01 the proposed limited charter school's proposed population range;~~
  - ~~13.05.02 the size of the individual limited charter school;~~
  - ~~13.05.03 the type of student population to be served; and~~
  - ~~13.05.04 the proximity of a proposed limited charter school to an existing school district under desegregation obligations.~~
- 13.06 ~~Each application for a proposed limited charter school shall be reviewed for program and services as compared to the program and service requirements of the districts under the desegregation order.~~
- 13.07 ~~Technical assistance in this review may be provided by the Department of Education's Section on Accountability and its unit on Desegregation Monitoring.~~